FEDERAL REGISTER

VOLUME 24 NUMBER 168

Washington, Thursday, August 27, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 204—COMPENSATION AND ALLOWANCES

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (4) of paragraph (b) of § 201.100 are amended as set out below:

§ 201.100 Exclusions.

Pursuant to the provisions of § 201.3 (b) the following positions and incumbents thereof are excluded, to the extent indicated, from the provisions of the Act of July 25, 1958 (72 Stat. 405) and such regulations:

* * * * *

(b) The following positions, and the incumbents thereof, are excluded from the provisions of Parts 202 and 203 of the regulations in this chapter.

* * * * *

(3) Positions in the Department of the Army excepted from the competitive service by § 6.105(a) (1) and (6), Schedule A, Part 6 of this title (Civil Service Regulations).

(4) Positions in the Department of the Navy excepted from the competitive service by § 6.106(a) (1), Schedule A, and § 6.206(a), Schedule B, Part 6 of this title (Civil Service Regulations).

2. By virtue of authority vested in the President by section 15 of the Act of July 25, 1958 (72 Stat. 411), and delegated to me by section 2 of Executive Order 10794 of December 10, 1958 (23 F.R. 9627; 3 CFR, 1958 Supp.) § 204.7 of the regulations on this subject issued January 14, 1959 (24 F.R. 348) is amended to read as follows:

§ 204.7 Special.

Those occupational groupings which are excepted from the Non-Manual, Manual, and Service Categories, and whose bases generally have been traditionally or by statute evaluated, classified, and titled by reference to applicable Government or industry standards for the same or similar work.

(Sec. 15, 72 Stat. 411)

WILBER M. BRUCKER,
Secretary of the Army.

[F.R. Doc. 59-7098; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 123]

PART 1023—MILK IN THE DES MOINES, IOWA, MARKETING AREA

Order Amending Order

§ 1023.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Des Moines, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and

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FEDERAL REGISTER

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of in-

dustrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 21, 1959, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 14, 1959. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1959, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 1023.50 [Amendment]

Delete § 1023.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk pursuant to Part 941 (Chicago) of this chapter, plus 35 cents: *Provided,* That through April 30, 1960, the effect on the price pursuant to this paragraph of the supply and demand ratio as contained in § 941.52(a)(1) of this chapter shall be limited to 10 cents: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 21st day of August 1959, to be effective on and after the 1st day of September 1959.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 59–7114; Filed, Aug. 26, 1959; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.411]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Revision of Nonimmigrant Visa Regulations

Correction

In F.R. Document 59–6805, appearing in the issue for Tuesday, August 18, 1959, at page 6678, make the following changes:

1. In § 41.55(a) the reference to "section 101(a)(15)(N)" should read "section 101(a)(15)(H)".

2. In § 41.55(b) the reference to "section 101(a)(15)(G)" should read "section 101(a)(15)(H)".

3. In § 41.55(c) the reference to "section 101(a)(15)(N)(iii)" should read "section 101(a)(15)(H)(iii)".

4. The heading of subparagraph (28) in § 41.91(a) should read *"Members or affiliates of prescribed organizations."*

5. In § 41.91(a)(28)(vi), lines 12 and 19, the word preceding "dictatorship" should read "totalitarian".

6. In § 41.91(e)(2)(v) the reference to "Class C–1" should read "Class G–1".

7. In § 41.95(c), line 11, the reference to "section 12(a)(28)" should read "section 212(a)(28)".

8. In § 41.104(a), lines 10 and 12, the reference to "(C)" should read "(G)".

9. In § 41.111(d)(1), line 10, the reference to "(O)" should read "(G)".

10. In § 41.112(a), line 2, "O" should read "G".

11. In § 41.114, line 10, the reference to "(C)" should read "(G)".

12. In § 41.116(b)(1), line 16, the reference to "(C)" should read "(G)".

13. In § 41.116(b)(3), line 8, preceding the word "Consular", the comma should be a period.

14. In § 41.121(b) make the following changes:

a. In subparagraph (2), the reference to "section 101(a)(15)(C)" should read "section 101(a)(15)(G)".

b. In subparagraph (3) the reference to "section 212(d)(S)" should read "section 212(d)(8)".

c. In subparagraph (4) the word "paragraphs" should read "paragraph".

15. In § 41.124(d), line 10, the reference to "(N)" should read "(H)".

16. In § 41.130(d), lines 8 and 9, the word "indicated" should read "indicates".

17. In § 41.134(a), line 10, the word "obtaining" should read "obtains".

18. In § 41.140(b), line 47, "San Yaidro" should read "San Ysidro".

19. On page 6692, column 3, last paragraph, the citation within the parenthesis should read "(60 Stat. 238; 5 U.S.C. 1003)".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–160]

[Amdt. 37]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension and Control Zone

The purpose of this amendment is to make a minor modification of the Camp Douglas (Volk Field) Wisconsin control area extension and control zone.

The Camp Douglas control area extension and control zone are annually designated from 0001 c.s.t., June 1, to 0001 c.s.t., September 1, during which time various units of the Wisconsin Air National Guard utilize the Camp Douglas facilities for training. In order to provide additional time for training, and at the same time provide for the safety of military and civil air traffic, the Department of the Air Force has requested that the control area extension and the control zone be made effective from May 30 through September 5, annually. Thus, the designations would be extended for an additional 7 days.

This action has been coordinated with the Army, the Navy, and the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, public procedures and effective date provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1429, 601.2408 (14 CFR, 1958 Supp., 601.1429, 601.2408) are amended as follows:

1. In § 601.1429 *Control area extension (Camp Douglas, Wis.),* in the text delete "June 1 to 0001 c.s.t., September 1, 1958," and substitute therefor "May 30 to 0001 c.s.t., September 6, 1959,".

2. Section 601.2408 *Camp Douglas, Wis., control zone,* in the text delete "June 1 to 0001 c.s.t., September 1, 1958," and substitute therefor "May 30 to 0001 c.s.t., September 6, 1959,".

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on August 25, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59–7134; Filed, Aug. 26, 1959; 8:50 a.m.]

[Reg. Docket 89; Amdt. 131]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany VOR	ABY-LFR	Direct	1600	T-dn	300-1	300-1	*300-1
				C-dn	600-1	600-1	600-1½
				S-dn-27	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar Transition Altitude 1600' within 25 miles of Radar Site. Radar control must provide 3 miles lateral or 1000' vertical separation; or 3 to 5 miles lateral and 500' vertical separation from the following towers: 719' MSL 22 miles WNW, 1362' MSL 20 miles SSE.
Procedure turn S side E crs, 090° Outbnd, 270° Inbnd, 1300' within 10 mi. (Nonstandard to separate Turner AFB traffic.)
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport 270—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi climb to 1500' on W crs within 20 mi.
Major Change: Caution note deleted.
*200½ Runway 3–21 only.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196'; Fac. Class., SBMRAZ; Ident., ABY; Procedure No. 1, Amdt. 11; Eff. Date, 12 Sept 59; Sup. Amdt. No. 10; Dated, 15 Nov. 58

Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300-1	300-1	300-1
		Direct	1100	C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				A-dn			

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900' within 10 miles. Beyond 10 mi NA. (Nonstandard due to traffic.)
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 152—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn left, climb to 1700' on E crs (087) and proceed to Minden Int.
NOTE: No weather or communications available at this airport.
CAUTION: 480' MSL TV Tower located 1.6 mi S of airport. 1446' MSL and 1403' TV antennas located approx. 12 miles WNW of SHV LFR.
AIR CARRIER NOTE: Air carrier use not authorized.
Major Change: Deletes transition from Dixie RBn.

City, Shreveport; State, La.; Airport Name, Downtown; Elev., 179'; Fac. Class, SBRAZ; Ident., SHV; Procedure No. 1, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8; Dated, 28 Sept. 57

Shreveport VOR	SHV-LFR	Direct	1700	T-dn	300-1	300-1	200-½
		Direct	1100	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
Radar Terminal area transition altitudes—bearings are from radar site with azimuths progressing clockwise:							
000	089	Within 40 miles	1700				
090	269	Within 40 miles	1500				
270	359	Within 40 miles	2400				

Procedure turn E side NW crs, 326° Outbnd, 146° Inbnd, 1900' within 10 miles. Beyond 10 mi NA. (Nonstandard due to traffic.)
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 196—7.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplish within 7.8 miles, turn left, climb to 1400' on crs of 135°, intercept and proceed S on S crs of SHV LFR within 20 miles.
CAUTION: 1446' and 1403' TV antennas located approximately 11 mi WNW of SHV LFR.
Major Change: Deletes transition from Dixie RBn.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251'; Fac. Class, SBRAZ; Ident, SHV; Procedure No. 1, Amdt. 7; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 6; Dated, 28 Sept. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA, VOR	TDW RBN	Direct	5000	T-dn	300-1	300-1	200-½
AMA LFR	TDW RBN	Direct	5000	C-dn#	400-1	500-1	500-1½
Soney Int	TDW RBN	Direct	5000	S-dn-3#	400-1	400-1	400-1
Bivins Int	TDW RBN	Direct	5300	A-dn	800-2	800-2	800-2
Panhandle Int	TDW RBN	Direct	5000				
Claude Int	TDW RBN	Direct	5000				
Palo Duro Int	TDW RBN	Direct	5000				
Tower Int	TDW RBN	Direct	5300				
Sam Int	TDW RBN	Direct	5300				
Westside Int	TDW RBN	Direct	5000				

Procedure turn S side of crs 214° Outbnd, 034° Inbnd. 5000' within 10 mi. Beyond 10 mi NA.
Minimum Altitude over facility on final approach crs, 4500'; over Terminal Fix*, 4300'.
Crs and distance, facility to airport, 034°—5.0 mi; Terminal Fix* to airport, 034°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing TDW RBn or 0.9 mi after passing Terminal Fix climb to 4900' on crs 034° or, when directed by ATC, climb to 4700' on E crs AMA LFR, both within 20 miles.
CAUTION: Towers 3994 MSL 5 mi SW; 3886 MSL 4 mi SW; 3855 MSL 5 mi SSW of airport.
#If Terminal Fix is not received, descent below 4300' m.s.l. NA and ceiling minimum is 700'. Aircraft not equipped with two functioning ADF receivers are not authorized to descend below 4300' m.s.l. and ceiling minimum is 700' for such flights.
*Int Brng 034° from TDW RBn and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604'; Fac. Class, MHW; Ident., TDW; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

PROCEDURES CANCELLED, EFFECTIVE IMMEDIATELY.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 666'; Fac. Class, LOM; Ident., OR; Procedure No. 2, Amdt. Orig.; Eff. Date, 19 Dec. 57

Black Forest FM	COS RBn	Direct	8200	T-dn*	300-1	300-1	300-½
Ellicott RBn	COS RBn	Direct	7800	C-d	600-1	600-1	600-1½
Fountain FM	COS RBn (Final)	Direct	7300	C-n	600-2	600-2	600-2
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 166° outbnd, 346° inbnd, 7300' within 10 mi.
Minimum altitude over facility on final approach crs, 7300'.
Crs and distance, facility to airport, 346°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles of COS MHW, make right climbing turn to 8000' on crs 080° and proceed to Ellicott MHW or, when directed by ATC, make right climbing turn, climb to 7300', proceed to COS MHW.
CAUTION: Sharply rising terrain west of Amber 3. 7190' m.s.l. tower 8 miles north of airport; 7923' m.s.l. tower 14 miles north of airport.
*AIR CARRIER NOTE: Takeoff below 300-¾ NA; 400-1 required for takeoff Rnwy 30; after takeoff, immediate left turn required for Rnwy 30 and right turn for Rnwy 35 with minimums less than 700-2.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172'; Fac. Class, MHW; Ident., COS; Procedure No. 1, Amdt. 8; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 7; Dated, 8 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 12 SEPT. 59.

City, Nantucket; State, Mass.; Airport Name, Memorial; Elev., 48'; Fac. Class, BMH; Ident., XAC; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Oct. 58

Int SW crs Allentown LFR and 181° brng to LOM.	LOM	Direct	2500	T-dn*	300-1	300-1	200-½
				C-dn	1000-2	1000-2	1000-2
Honeybrook Int	LOM (Final)	Direct	1600	S-dn-36	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn East side of crs, 181° Outbnd, 100° Inbnd, 2100' within 10 mi.
Minimum Altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 001°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500' on crs of 001° from LOM within 10 miles.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 31 or 36.
*300-1 required for takeoff on Runways 31 and 36; takeoff on Runways 18 and 13, make right turn as soon as practical to avoid towers 1510' m.s.l. and high terrain 2.6 mi SE of airport.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343'; Fac. Class, LOM; Ident., RD; Procedure No. 1, Amdt. 4; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 3 (ADF portion of Comb, ILS-ADF); Dated, 2 Apr. 54

Shreveport LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Forbing Int	LOM	Direct	1400	S-dn-13	400-1	400-1	400-1
Lucien Int	LOM	Direct	1400	A-dn	800-2	800-2	800-2
Caddo Lake Int	LOM	Direct	2400				
Blanchard Int	LOM (Final)	Direct	900				

Radar terminal area transition altitude 1700* within 40 miles.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2400' within 10 mi.
Minimum altitude over LOM, 900'.
Distance to approach end of Rnwy at LOM, 3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing LOM, climb to 1400' on crs of 135° within 20 mi or, when directed by ATC, turn right, climb to 1400' on heading 195°, intercept and proceed outbnd on SW crs BAD LFR.
CAUTION: 1446' and 1403' TV antennas approx 11 mi NNW of LOM.
Major Change: Deletes transition from Dixie RBn.
*Radar control must provide 1,000 feet clearance when within three miles or 500 feet clearance when between 3-5 miles of radio antenna towers 1,446' MSL 16 mi. NW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev., 251'; Fac. Class, LOM; Ident., SH; Procedure No. 1, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8; Dated, 4 Oct. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA LFR	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-½
TDW RBN	AMA VOR	Direct	5000	C-dn	400-1	500-1	500-1½
AMA LFR	*Potter Int	Direct	5000	S-dn-3	400-1	400-1	400-1
TDW RBN	*Potter Int	037-4.4	4500	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 5000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over Potter Int* on final approach crs, 4500'.
Crs and distance, Potter Int* to airport, 031°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mi after passing Potter Int, climb straight ahead to 4900' on R-209 to the VOR, thence R-029 within 20 mi of AMA VOR or, when directed by ATC, climb to 4700' on AMA VOR R-075 within 20 mi of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994 MSL 5 mi. SW; 3886 MSL 4 mi. SW; 3855 MSL 5 mi. SSW.
*Potter Int: Int AMA VOR R-211 and Brng 356° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604'; Fac. Class, BVOR; Ident., AMA; Procedure No. 2, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 4 Apr. 59

				T-dn	500-1	500-1	500-1
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-3	1000-3	1000-3
				A-dn	NA	NA	NA

Procedure turn W side of crs, 170° Outbnd, 350° Inbnd, 2700' within 10 miles. NA beyond 10 mi. (Non-standard due to terrain.)
Minimum altitude over facility on final approach crs, 1200'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4500' on R-002 within 15 miles.
CAUTION: 550' Hills 2 to 3 miles E and SE of airport.
NOTE: Published weather not available.

City, Newport; State, Oreg.; Airport Name, Newport; Elev., 160'; Fac. Class, VORW; Ident, ONP; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 12 Nov. 55

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Spring Lake Int	ORD-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Morton Int	ORD-VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Elgin Int	ORD-VOR	Direct	2500	S-dn-22	600-1	600-1	600-1
Midway LOM	ORD-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Glenview LFR	ORD-VOR	Direct	2000				
Northbrook VOR	ORD-VOR	Direct	2000				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3.0 mi from inbnd fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
Procedure turn N side of crs 033° Outbnd, 213° Inbnd, 2000' within 5 mi of *Int.
Minimum altitude over *Int on final approach crs, 1500'.
Crs and distance, *Int or Radar fix to airport, 213°—5.0 mi.
Crs and distance, breakoff point to approach end of Rnwy 22, 218°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make immediate left turn, climb to 2500' or higher altitude if specified by ATC and proceed to Northbrook VOR via R-030 ORD and R-135 OBK or, when directed by ATC, (1) make immediate left turn, climb to 3500' proceed to Morton Int via R-075 ORD; (2) make immediate left turn, climb to 2500', proceed to Glenview LFR via 030° crs and SE crs Glenview LFR.
*Int R-033 ORD and R-147 OBK or Radar Fix.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev, 666'; Fac. Class, VORTAC; Ident., ORD; Procedure No. TerVOR-22, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 8 Aug. 59

				T-dn	1500-2	1500-2	
				C-dn	1500-2	1500-2	
				A-dn	1500-3	1500-3	

Procedure turn S side of crs, 105° Outbnd, 285° Inbnd, 9000' within 10 mi of DRO-TVOR.
Facility on airport.
Minimum altitude over facility on final approach crs, 8200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to Falfa Int* on DRO R-259, proceed to Farmington VOR on R-014 at 8800'.
CAUTION: No control area. Pilots using Durango TVOR shall, as soon as practicable, advise Durango TVOR (on 122.1 MCS) of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Durango TVOR, hold between facility and a point two minutes out on final approach course at least 1000' above procedure turn altitude and 1000' above previously reported traffic until advised that aircraft making approach has landed. Keep Durango TVOR advised (on 122.1 MCS) at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: Use of procedure authorized only when communications available (Communications available—0500-2200 local time). Facility owned by City of Durango, Colo. Durango receives communications on 122.1 MCS; transmits on TVOR frequency 108.2 MCS.
*Int Durango TVOR R-259 and Farmington VOR R-014.

City, Durango; State, Colo.; Airport Name, Durango-La Plata County; Elev, 6684'; Fac. Class, TVOR (Nonfederal facility); Ident., DRO; Procedure No. TerVOR (R-105), Amdt. 2; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 1; Dated, 8 Aug. 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Binghamton VOR	BGM-MHW or River Int*	Direct	3500	T-dn	300-1	300-1	200-1
Montrose Int	BGM-MHW	Direct	3500	C-dn	400-1	500-1	500-1
Sidney Int	BGM-MHW	Direct	3500	S-dn-34	300-¾	300-¾	300-¾
Sanford Int	BGM-MHW	Direct	3500	A-dn	600-2	600-2	600-2
Stevens Point	BGM-MHW	Direct	3500				

Procedure turn E side SE crs, 158° Outbnd, 338° Inbnd, 3500' within 10 mi of Binghamton MHW or River Int*.
Minimum altitude at G.S. int inbnd, 3500'.
Altitude at G.S. and distance to approach end of Rnwy from BGM-MHW or River Int*, 3505'—7.0 mi.
Altitude of G.S. and distance to approach end of Rny at OM, 2695'—3.9 mi; at MM, 1820'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb on crs of 338° to 3500' within 15 miles, then make left turn to BGM-VOR or, when directed by ATC, make left climbing turn to 3500' to the BGM VOR.
*Int R-116 BGM VOR and SE crs BGM ILS.

City, Binghamtom; State, N.Y.; Airport Name, Broome County; Elev, 1629'; Fac. Class, ILS; Ident., BGM; Procedure No. ILS-34, Amdt. 6; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 5; Dated, 9 May 59

Black Forest FM	COS MHW (LOM)	Direct	8200	T-dn‡	300-1	300-1	300-¾
ILS LMM	COS MHW (LOM)	Direct	7300	C-d	600-1	600-1	600-1
Ellicott MHW	COS MHW (LOM)	Direct	7800	C-n	600-2	600-2	600-2
Pueblo VOR, via R-314	S crs COS ILS (Fountain FM)	Direct	7300	S-dn-35*	300-¾	300-¾	300-¾
Fountain FM	COS MHW (LOM) (Final)	Direct	7300	A-dn	600-2	600-2	600-2
Pinon Int	COS MHW (LOM)	Direct	7300				

Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300' within 10 mi of COS MHW (LOM). NA beyond 10 mi. (Procedure turn area limited to west by restricted area.)
Minimum altitude at G.S. int inbnd, 7300'.
Altitude of G.S. and distance to approach end of rny at OM, 7240—3.8; at MM 6325—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, make a right climbing turn to 060°. Proceed to Ellicott MHW at 8000'.
NOTES: No approach lights. Radar vectoring authorized in accordance with approved radar patterns.
CAUTION: 7190' tower 8 miles North of airport; 7923' tower 14 miles North of airport; sharply rising terrain West of Amber Airway No. 3.
‡Takeoffs below 300-¾ NA. 400-1 required for takeoff Runway 30; after takeoff, immediate left turn required for Runway 30 and right turn for Runway 35 with minimums less than 700-2.
*Provisions for inoperative ILS components not applicable. 400-1 required with glide slope inoperative. Landing with visibility less than ¾ mile not authorized.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172'; Fac. Class, ILS; Ident., I-COS; Procedure No. ILS-35, Amdt. 10; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 9; Dated, 23 May 59

Columbus LOM	Bexley RBn	Direct	2500	T-dn	300-1	300-1	200-1
Columbus LFR	Bexley RBn	Direct	2500	C-dn	400-1	500-1	500-1
Appleton VOR	Bexley RBn	Direct	2500	S-dn-9	400-1	400-1	400-1
Hilliard FM	Bexley RBn (Final)	Direct	2000	A-dn	600-2	600-2	600-2
Radar Terminal area transition altitudes: Radar Site.		Within:					
		25 mi	2500				
		35 mi	3000				
		40 mi	4000				

Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 2500' within 10 mi of Bexley MHW.
No glide slope—2000' over Bexley RBn; 3.3 mi from Bexley RBn to rwy 9.
If visual contact not established upon descent to authorize landing minimums or if landing not accomplished within 3.3 mi after passing Bexley RBn, climb to 2400' on E crs ILS or crs 096° from Bexley RBn within 15 mi.
NOTE: Reinstates Amdt. 3, Effec. 14 June 58, Cancelled Effec. 22 Aug. 59.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev. 816'; Fac. Class, ILS; Ident. CMH; Procedure No. ILS-9, Amdt. 4; Eff. Date, 22 Aug. 59; Sup. Amdt. No. 3; Dated 14 June 58

MKE-VOR	Lake Park Int*	Direct	2700	T-dn	300-1	300-1	200-1
MKE-LFR	Lake Park Int*	Direct	2700	C-dn	600-1	600-1	600-1
MKE-LOM	Lake Park Int*	Direct	2700	S-dn-19	400-1	400-1	400-1
Cardinal Int	Lake Park Int*	Direct	2700	A-dn	800-2	800-2	800-2
Cardinal Int	Lake Park Int* (Final)	Direct	2200				
Lake Park Int*	Harbor Int**	Direct	2300				
Lake Park Int*	Harbor Int** (Final)	Direct	1800				

Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Int.* Refer to Radar procedure for Milwaukee, Wis., if detailed sector altitudes desired.
Procedure turn W side N crs, 006° Outbnd, 186° Inbnd, 2700' within 10 mi of *Lake Park Int.
No glide slope. Min alt over Lake Park Int* on final app—2200'. Final after leaving Lake Park Int* to Harbor Int**—1800'. Brng and dist Lake Park Int* to Harbor Int**, 186—3.0
No markers. Brng. and dist: Lake Park Int* to Rny 19, 186—7.0; Harbor Int** to Rny 19, 186—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, climb to 2000' on localizer crs to MKE LOM or when directed by ARTC: (1) Make left climbing turn to 2000' and proceed to Sun Fish Int, via V30.
*Lake Park Int: Int MKE-VOR R-096 and N crs ILS.
**Harbor Int: Int MKE-VOR R-105 and N crs ILS.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: 787' power line ½ mi N of Rwy-19.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 698'; Fac. Class, ILS; Ident., I-MKE; Procedure No. ILS-19, Amdt. 3; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 2; Dated, 15 Mar. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Glen Cove MHW	OM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Mitchel LFR	OM	Direct	1500	C-dn	400-1	500-1	500-1½
Idlewild VOR	OM	Direct	1500	S-dn-22*	200-½	200-½	200-½
Radar Terminal area transition altitudes:		Within:		A-dn	600-2	600-2	600-2
All directions		25 mi	2500				
E of NE/SW crs LaGuardia LFR		15 mi	1500				

Procedure turn E side NE crs, 043° Outbnd, 223° Inbnd, 1500′ within 10 mi of OM. (Nonstandard to avoid LaGuardia traffic.)
Minimum altitude at glide slope int inbnd, 1500′
Altitude of glide slope & distance to approach end of runway at OM, 1500′—4.8 mi; at MM, 240′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on SW crs ILS and proceed to Scotland MHW. Contact IDL approach control for further instructions.
CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278′ stack 1.7 mi SE of Rnwy 4; 185′ control tower on airport.
NOTE: Reinstates Amdt 2, Effec. 11 May 57, Cancelled, Effec. 1 Aug. 59.
*400-¾ required with Glide Slope inoperative.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class, ILS; Ident., IWY; Procedure No. ILS-22, Amdt. 3; Eff. Date, 1 Aug. 59; Sup. Amdt. No. 2; Dated, 11 May 57

Int SW crs Allentown LFR and South crs ILS.	LOM	Direct	2500	T-dn*	300-1	300-1	200-½
				C-dn	600-2	800-2	800-2
Honeybrook Int	LOM (Final)	Direct	#2100	S-dn-36**	400-1	400-1	400-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100′ within 10 N miles.
Minimum altitude at glide slope interception inbound, 2100′.
Altitude of G.S. and distance to appr end of rny at OM 1540—3.9, at MM 535—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on crs of 001° from LOM within 10 mi.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in take-off minimums authorized on runways 31 or 36.
*300-1 required for takeoff on Rnwys 31 and 36; takeoff on Rnwys 18 and 13, make right turn as soon as practical, to avoid towers 1510′ m.s.l. and high terrain 2.6 mi SE of airport.
**600-1 required with Glide Slope inoperative.
#After interception of localizer course inbound, descent on glide slope to cross outer marker at 1540′ on final approach is authorized.

City, Reading; State, Pa.; Airport Name, General Spaatz; Elev., 343′; Fac. Class, ILS; Ident, RDG; Procedure No. ILS-36, Amdt. 4; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 3; Dated, 2 Apr. 54

Shreveport LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Blanchard Int	LOM (Final)	Direct	1400	S-dn-13*	200-½	200-½	200-½
Forbing Int	LOM	Direct	1400	A-dn	600-2	600-2	600-2
Lucien Int	LOM	Direct	1400				
Caddo Lake Int	LOM	Direct	2400				

Radar terminal area transition altitude 1700# within 40 miles.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 mi.
Minimum altitude at G.S. int inbnd, 1400′.
Altitude of G.S. and distance to appr end of rny at OM 1400—3.7, at MM 455—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on crs of 135° or SE crs ILS within 20 mi, or when directed by ATC, turn right, intercept and climb to 1400′ on R-180 SHV VOR within 20 mi.
CAUTION: 1446′ and 1403′ TV antennas approx 11 mi NNW of LOM.
Major Change: Deletes transition from Dixie RBn.
*400-¾ required when glide slope not utilized.
#Radar control must provide 1,000 feet clearance when within three miles or 500 feet clearance when between 3-5 miles of radio antenna towers 1,446 feet MSL 16 mi. NW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport; Elev. 251′; Fac Class, ILS; Ident., ISHV; Procedure No. ILS-13, Amdt. 9; Eff. Date, 12 Sept. 59; Sup. Amdt. No. 8 (ILS portion of Comb. ILS-ADF); Dated, 4 Oct. 58

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
													65 knots or less	More than 65 knots	
325	030	5	8000							25	9000	Surveillance Approach			
030	100			10	7800			20	8000	25	9000	T-dn#	300-1	300-1	300-¾
100	170			10	7300	15	8000			25	9000	C-d	600-1	600-1	600-1½
170	325	Unusable.										C-n	600-2	600-2	600-2
												S-dn-21, 30, and 35.	500-1	500-1	500-1
												A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Rnwy 21: Make left climbing turn to 080°, climb to 8000', proceed to Ellicott MHW.

Rnwy 30, 35: Make right climbing turn to 080°, climb to 8000', proceed to Ellicott MHW or, when directed by ATC, make right climbing turn, climb to 7300', proceed to COS MHW.

CAUTION: Sharply rising terrain west of Amber Airway No. 3. 7190' m.s.l. tower 8 mi N of airport; 7923' m.s.l. tower 14 mi N of airport.

#AIR CARRIER NOTE: Takeoffs below 300-¾ not authorized; 400-1 required for takeoff Rnwy 30; after takeoff, immediate left turn required for Rnwy 30 and right turn for Rnwy 35 with minimums less than 700-2.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev. 6172'; Fac Class, Colorado Springs; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 59; Sup. Amdt. No. Orig.; Dated, 8 Nov. 58

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All Sectors	Radar Site	Within 20 mi	3000	Precision Approach			
				T-dn-04, 18, 36, 22.	300-1	300-1	300-1
				Surveillance Approach			
				T-dn-04, 18, 36	300-1	300-1	300-1
				T-dn-22	300-1	300-1	200-½
				Precision and Surveillance Approach			
				C-d*	600-1	600-1	600-1
				C-n*	600-2	600-2	600-2
				S-d-04, 22	400-1	400-1	400-1
				S-n-04	400-2	400-2	400-2
				S-n-22	500-2	500-2	500-2
				A-dn	1500-3	1500-3	1500-3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Rnwy 4: Turn right and climb to 2800' on 050° crs FRI "H" within 15 mi.

Rnwy 22: Turn left and climb to 2800' on 050° crs FRI "H" within 15 mi.

NOTES: Military authority required. Airport not available to general public. Restricted Area R-197 adjacent to airfield Northwest. Small arms firing ranges 2.4 mi North of airfield.

*Circling approaches will be made East of the Airfield.

City, Fort Riley; State, Kans.; Airport Name, Marshall U.S.A.A.F.; Elev, 1062'; Fac.Class, Marshall; Ident., Radar; Procedure No. 1, Amdt., Orig.; Eff. Date, 12 Sept. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on August 12, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6799; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Canada

Pursuant to paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606), § 151.9 of the regulations relating to recognition of breeds and books of record of purebred animals (9 CFR 151.9, as amended), is hereby further amended in the following respects:

1. The language of § 151.9(b)(1) preceding the chart listing recognized breeds of animals is amended to read as follows:

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: *Provided,* That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed: *Provided further,* That no Dexter cattle, Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

2. In the chart in § 151.9(b) listing the recognized breeds of animals the word "Dexter" is inserted in proper alphabetical sequence in the column headed "Cattle."

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

The foregoing amendment provides for the recognition of the Dexter breed of cattle and the records thereof contained in the Canadian National Live Stock Records. The amendment further provides that no Dexter cattle registered in such records shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Dexter breed of cattle, issued by the Canadian National Live Stock Records, is submitted for such animals.

The effect of the amendment is to provide for duty-free entry of certain Dexter cattle which are registered in the Canadian National Live Stock Records and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of rule-making and other public procedure on the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-7129; Filed, Aug. 26, 1959; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7447 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Pangburn Co., Inc.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Pangburn Company, Inc., Fort Worth, Tex., Docket 7447, July 15, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of chocolates in Fort Worth, Tex., selling almost exclusively in drugstores, with price discrimination in violation of section 2(a) of the Clayton Act by allowing drug chain customers to combine purchases of their various outlets and thus receive preferential prices under its annual cumulative quantity discount system, ranging from one percent on yearly purchases of from $1,000 to $1,999, to ten percent on $10,000 and up, while competing non-chain customers—frequently buying in much greater volume than an individual chain outlet—received no discount at all or, at best, a much smaller one.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Pangburn Company, Inc., a corporation, and its officers, representatives, agents, or employees, directly or through any corporate or other device, in connection with the sale and distribution of its assorted chocolates and confections or other related products, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Discriminating in price by means of an annual cumulative quantity discount system, or by using the combined purchases of the various outlets of a chain or group purchaser as a basis for determining any such discount, or by any other means, which results in selling to any one purchaser, its products of like grade and quality, at net prices higher than the net prices charged any other purchaser competing with the purchaser paying the higher price, in the resale of respondent's products; provided, however, that nothing herein shall prohibit the respondent from showing as a defense in any proceeding instituted for enforcement of this order that its differing prices make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are sold or delivered.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Pangburn Company, Inc., shall, within sixty (60) days after service upon it of this decision, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-7101; Filed, Aug. 26, 1959; 8:45 a.m.]

[Docket 7443 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Reinstein-Berger, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Fictitious Marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Reinstein-Berger, Inc., et al., New York, N.Y., Docket 7443, July 15, 1959]

In the Matter of Reinstein-Berger, Inc., a Corporation, and Abraham I. Reinstein, Alfred S. Berger, and Daniel I. Reinstein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with falsely invoicing and advertising furs by listing on consignment invoices fictitious prices which were intended to help sell the products, and by failing to maintain proper records to substantiate such pricing claims.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on July 15 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Reinstein-Berger, Inc., a corporation, and its officers and Abraham I. Reinstein and Daniel L. Reinstein, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Representing directly or by implication that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business;

2. Representing directly or by implication that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business;

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents directly or by implication that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business;

2. Represents directly or by implication that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business;

C. Misrepresenting in any manner the savings available to purchasers of respondents' fur products;

D. Making claims or representations in advertisements respecting prices or values of fur products unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Alfred S. Berger, individually and as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Reinstein-Berger, Inc., a corporation, and Abraham I. Reinstein and Daniel L. Reinstein, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 15, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-7102; Filed, Aug. 26, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Peppers; Standard of Identity

In the matter of amending the standards of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) to provide for the addition of certain calcium salts to green sweet peppers and red sweet peppers:

A notice of proposed rule making was published in the FEDERAL REGISTER of June 30, 1959 (24 F.R. 5311), setting forth the proposal of H. P. Cannon and Son, Inc., Bridgeville, Delaware, to amend the standard of identity for canned peppers to provide for the addition of calcium salts.

Upon consideration of comments submitted and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the standard of identity for canned vegetables other than those specifically regulated should be amended to provide for the addition of certain calcium salts to green sweet peppers and red sweet peppers as hereinafter set forth.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered,* That § 51.990 (c)(3) and (f)(2) be amended as set forth below.

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

* * * * *

(c) * * *

(3) (i) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(ii) In the case of green sweet peppers or red sweet peppers, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts in a quantity reasonably necessary to firm the peppers, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.026 percent of the weight of the finished food.

* * * * *

(f) * * *

(2) If one or more of the optional ingredients specified in paragraph (c)(3) (i) and (ii) of this section are present, the label shall bear the statement "Trace of _____ added" or "With added trace of _____," the blank being filled in with the words "calcium salt" or "calcium salts," as the case may be, or with the name or names of the particular calcium salt or salts added.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: August 20, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-7125; Filed, Aug. 26, 1959; 8:49 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[Regs. No. 4; T.D. 6409]

PART 4—LABELING AND ADVERTISING OF WINE

Miscellaneous Amendments

Notice of public hearing to be held in Washington, D.C., on November 27, 1956, and in San Francisco, California, on December 4, 1956, with respect to certain proposals to amend Regulations No. 4, Relating to Labeling and Advertising of Wine, was published in the FEDERAL REGISTER on October 12, 1956 (21 F.R. 7804). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 4 (27 CFR Part 4) are hereby adopted:

PARAGRAPH 1. In order to include carbonated grape wine made wholly from grapes gathered in the same calendar year and grown and fermented in the same viticultural area in the definition of "vintage wine" the last part of § 4.1(h) (Article I(h)) reading "Classes 1 and 2 of § 4.21" is amended to read "Classes 1, 2, and 3 of § 4.21."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 2. In order to permit the use of a statement showing that the wine was bottled in the United States in lieu of showing the name and address of the bottler, in the case of imported wine bottled in the United States for the importer thereof, the first sentence of § 4.35(b)(1) (section 35(b)(1)) is amended to read as follows:

(1) If the wine is bottled or packed in the United States, there shall be stated, in addition, the name of the bottler or packer and the place where bottled or packed immediately preceded by the words "bottled by" or "packed by" except that if the wine is bottled or packed in the United States for the person responsible for the importation there may be stated, in lieu of the above-required statements, the name and principal place of business in the United States of such person, immediately preceded by the phrase "imported by and bottled (packed) in the United States for" (or a similar appropriate phrase). * * *

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: August 21, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-7120; Filed, Aug. 26, 1959; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

PACIFIC OCEAN, HAWAII

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.235 establishing and governing the use and navigation of an anchorage area in Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii, is hereby amended redesignating the area and making necessary revisions in the regulations, as follows:

§ 202.235 Pacific Ocean (Mamala Bay), Honolulu Harbor, Hawaii; anchorage for nitrate laden vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean (Mamala Bay) within an area directly offshore of Keehi Lagoon at Honolulu, Hawaii, described as follows: Beginning at a point bearing 251° true, 5,925 yards, from Honolulu Harbor Light (Aloha Tower); thence on a bearing of 202° true, 1,000 yards; thence on a bearing of 290°30′ true, 800 yards; thence on a bearing 22° true, 1,000 yards; thence on a bearing of 110°30′ true, 800 yards to point of beginning. This area provides anchorage space for one (1) vessel.

(b) *The regulations.* (1) Anchorage within this area shall be restricted to not more than one (1) nitrate laden vessel at any one time. Other vessels are cautioned against frequenting the area at any time, and they shall not, without specific authority from the District Commander, enter or remain in the area when a nitrate laden vessel is anchored within or is approaching the area, or anchor outside the area within 1,000 yards of a nitrate laden vessel anchored within the area.

NOTE: The term "District Commander," as used in this section, means the Commander, 14th Coast Guard District, Honolulu, Hawaii, or his duly authorized representative.

(2) Except in an emergency involving danger to life or property, no nitrate laden vessel shall anchor within the area without first obtaining permission from the District Commander. The master of a nitrate laden vessel shall notify the District Commander in advance of his intention to anchor within the area, giving the name of the vessel and the time he expects to anchor and any additional information requested such as the reason for the stopover, anticipated period of the stopover, kind and amount of cargo carried, destination, and proposed location of any necessary torches or welding anticipated, etc. The vessel shall not enter the area until permission to anchor has been received from the District Commander, and it shall then anchor along the longitudinal center line of the area 600 yards from any corner as designated by the District Commander.

(3) The master of the vessel shall request permission from the District Commander for any necessary additional stopover privilege longer than the period originally anticipated. He shall also notify the District Commander when his vessel is ready to leave the area.

(4) In addition to the appropriate day and night signals, the anchored vessel shall display by day a red flag of at least 16 square feet, and by night a red light visible all around the horizon, at the mast head or at least 10 feet above the upper deck if the vessel has no mast.

(5) The master of the vessel shall have the vessel properly patrolled at all times, and anchor bearings carefully checked at frequent intervals. During rough seas, if he is in doubt as to being securely anchored and is without ship power he shall call for tug service from any of the commercial tug-service firms available in Honolulu Harbor. All charges incurred thereby shall be charged to the vessel owner or agent.

(6) Upon being notified to shift its position a vessel shall get under way at once or signal for a tug and change position as directed with reasonable promptness.

(7) In the event of fire on board any anchored vessel, the master or other officer in charge shall immediately sound five blasts of five seconds each of a whistle or siren, which signal may be repeated at intervals to attract attention. This signal shall be used in addition to any other means available for reporting a fire. If for any reason the whistle signal is inoperative the master shall make arrangements whereby the radio transmitter and operator will be available.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from strict compliance with all applicable navigation laws and regulations established by the Commandant of the Coast Guard with respect to explosives and other dangerous articles and substances on board vessels.

[Regs., Aug. 13, 1959, 285/91 (Pacific Ocean (Mamala Bay) Hawaii)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-7128; Filed, Aug. 26, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Lindane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

A petition has been filed by California Spray-Chemical Corporation, Box 118, Moorestown, New Jersey, proposing the establishment of a tolerance of 10 parts per million for residues of lindane in or on the fat of meat from cattle, goats, hogs, and sheep.

The analytical method proposed in the petition for determining residues of lindane in the fat of meat is as follows: A modification of the method for the colorimetric determination of benzene hexachloride by Milton S. Schechter and Irvin Hornstein, in Analytical Chemistry, Volume 24, pages 544–548 (1952).

Dated: August 20, 1959.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 59-7124; Filed, Aug. 26, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 4 of the Technical Amendments Act of 1958 (72 Stat. 1607), such regulations are amended as follows:

PARAGRAPH 1. Section 1.152 is amended to read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined*—(a) *General definition.* For purposes of this subtitle, the term "dependent" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) as received from the taxpayer):

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 153, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or

(10) An individual who—

(A) Is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) For the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(C) Before receiving such institutional care, was a member of the same household as the taxpayer.

(b) *Rules relating to general definition.* For purposes of this section—

(1) The terms "brother" and "sister" include a brother or sister by the halfblood.

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) The term "dependent" does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of "dependent" any child of the taxpayer—

(A) Born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, if the child is a resident of the Republic of the Philippines, and if the taxpayer was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him, or

(B) Legally adopted by him, if, for the taxable year of the taxpayer, the child has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen of the United States.

(4) A payment to a wife which is includible in the gross income of the wife under section 71 or 682 shall not be treated as a payment by her husband for the support of any dependent.

(5) An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

* * * * *

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Pub. Law 333, 84th Cong., 69 Stat. 626); sec. 4, Technical Amendments Act 1958 (72 Stat. 1607)]

§ 1.152–2 [Amendment]

PAR. 2. Paragraph (a) of § 1.152–2 is amended—

(A) By deleting "(a) To qualify" and inserting in lieu thereof the following:

(a)(1) Except as provided in subparagraph (2) of this paragraph, to qualify * * *

(B) By adding at the end thereof the following new subparagraph:

(2)(i) Effective with respect to taxable years beginning after December 31, 1957, a legally adopted child of the taxpayer who lives with the taxpayer and who is a member of the taxpayer's household during the entire taxable year of the taxpayer may be claimed as a dependent if such child otherwise qualifies as a dependent and if the taxpayer is a citizen of the United States.

(ii) Under section 152(b)(3)(B) and this subparagraph, it is necessary that the taxpayer both maintain and occupy the household. The taxpayer and his legally adopted child will be considered as occupying the household for the entire taxable year of the taxpayer notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, or vacation shall be considered temporary absence due to special circumstances. The fact that a child dies during the year shall not deprive the taxpayer of the deduction if the child lived in the household for the entire part of the year preceding his death. The period during the taxable year preceding the birth of a child shall not prevent such child from qualifying as a dependent under this subparagraph.

Moreover, a child who actually becomes a member of the taxpayer's household during the taxable year shall not be prevented from being considered a member of such household for the entire taxable year, if the child is required to remain in a hospital for a period following its birth and if such child would otherwise have been a member of the taxpayer's household during such period.

(iii) It is not necessary for the child to have been legally adopted for the entire taxable year of the taxpayer, provided the child lived with the taxpayer and was a member of the taxpayer's household for the entire taxable year of the taxpayer. For example, A, a citizen of the United States who makes his income tax returns on the basis of the calendar year, is employed in Brazil by an agency of the United States Government. In October 1958 he takes into his household C, a resident of Brazil who is not a citizen of the United States, for the purpose of initiating adoption proceedings. C lives with A and is a member of his household for the remainder of 1958 and for the entire calendar year 1959. On July 1, 1959, the adoption proceedings were completed and C became the legally adopted child of A. If C otherwise qualifies as a dependent, he may be claimed as a dependent by A for 1959.

[F.R. Doc. 59-7121; Filed, Aug. 26, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR PARTS 172, 174]

LEASING OF ALLOTTED LANDS FOR MINING AND LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Relinquishment of Supervision by the Secretary of the Interior

Basis and purposes. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the acts of March 3, 1909 (35 Stat. 783) and May 27, 1908 (35 Stat. 312), an amendment to §§ 172.4(a) and 174.18(a) of 25 CFR, is proposed and set forth below. The purpose of the amendment is to change the number of days of notice before "relinquishment of supervision by the Secretary of the Interior" becomes effective from ten to the thirty days required by standard mining lease forms which are specified by regulations.

Although notice is not required by the Administrative Procedure Act (5 U.S.C. 1003) for the proposed amendment, the Department of the Interior's policy is to observe rule making requirements voluntarily wherever practicable. Accordingly, before adoption, all interested parties are given a 30-day opportunity from the date the proposed amendment is published in the FEDERAL REGISTER to submit written comments, suggestions, or objections, addressed to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C.

ROGER ERNST,
Assistant Secretary of the Interior.

AUGUST 21, 1959.

1. Section 172.14(a) is amended to delete the word "ten" in the last sentence and to insert the word "thirty" in its place.

2. Section 174.18(a) is amended to delete the word "ten" in the last sentence and to insert the word "thirty" in its place.

[F.R. Doc. 59-7103; Filed, Aug. 26, 1959; 8:46 a.m.]

Bureau of Land Management

[43 CFR Part 193]

COAL PERMITS, LEASES, AND LICENSES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 2 to 8, inclusive, of the Act of February 25, 1920, as amended (30 U.S.C. 201, 202-208), it is proposed to amend 43 CFR 193.2, 193.3(b), 193.11 (a)(3) and 193.18, as hereinafter set forth.

The purpose of amending the regulations cited is to implement the Act of August 21, 1958 (Public Law 698, 72 Stat. 688), which amended section 27 of the Mineral Leasing Act of 1920 (30 U.S.C. 184), by increasing from 5,120 acres to 10,240 acres the lands which a person, association, or corporation may hold under coal leases or permits within any one State.

Provision is also made in the act for increasing the 10,240 acreage limitation by not more than 5,120 acres in any one State if, after public hearings on an application or applications in multiples of 40 acres filed by such person, association, or corporation and posted in the appropriate land office, the Secretary of the Interior finds this to be in the public interest and necessary for economical operation of the applicant's business, and if these requirements are met for coal leases or permits involving the additional lands to be issued under such regulations as the Secretary may prescribe. The act further provides that upon the filing of said application, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the act.

The act gives the Secretary authority, in his own discretion or whenever sufficient public interest is manifested, to reevaluate the lessee's or permittee's need for all or any part of the additional acreage, and to cancel the lease or leases and permit or permits covering such additional acreage, if he finds that the cancellation is in the public interest or that the coal deposits therein are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 10,240 acres or no longer has facilities which enable him to exploit the deposits under lease or permit.

This proposed amendment relates to matters which are exempt from the rule making requirements for the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments and suggestions with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D.C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 21, 1959.

ROGER ERNST,
Assistant Secretary of the Interior.

1. Section 193.2 is amended to read as follows:

§ 193.2 Area and limitation on holdings; segregation of coal deposits; public hearings.

(a) A single lease or permit may embrace not exceeding 2,560 acres except where the rule of approximation applies. A permit will comprise contiguous tracts, or tracts in reasonably compact form if good reason appears for not including a contiguous area. A lease will comprise contiguous tracts, except in cases where it appears that noncontiguous tracts can be practically worked as a single mine or unit. No person, association or corporation may hold at any one time, either directly or indirectly, leases or permits exceeding 10,240 acres in any one State, except as hereinafter stated.

(b) A person, association, or corporation may file with the Manager of the appropriate land office an application or applications for coal leases or permits for acreage in addition to the 10,240 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres in any one State, and shall contain a statement that the granting of a lease or permit for such additional lands is necessary to carry on business economically and is in the public interest.

(c) Upon the filing of an application for additional lands as specified in paragraph (b) of this section, the coal deposits in the lands covered thereby shall be temporarily set aside and withdrawn from all forms of disposal under the Act.

(d) All applications filed for additional lands as specified in paragraph (b) of this section shall be posted in the appropriate land office, and the authorized officer shall conduct public hearings thereon. Upon conclusion thereof, he may, in his discretion or whenever sufficient public interest is manifested, reevaluate the lessee's or permittee's need for all or any part of the additional acreage. Thereafter and to the extent necessary for the applicant to carry on business economically, the authorized officer may issue coal leases or permits to the applicant for additional acreage

of not more than 5,120 acres (within the aggregate limitation of 2,560 acres in a single lease or permit), subject to such terms and conditions as may be prescribed by the Secretary of the Interior. Such terms and conditions may require the payment either of a cash bonus per acre or fraction thereof or a rental and royalty rate different from that required by the original leases or permits or both.

2. Paragraph (b) of § 193.3 is amended to read as follows:

§ 193.3 Qualifications of applicants.

* * * * *

(b) Every applicant for coal permit or lease, other than a company or corporation operating a common-carrier railroad, must show that, with the area applied for, his or its interest or interests in such permits, leases and applications therefor, directly or indirectly, do not exceed in the aggregate 10,240 acres in any one State.

3. Paragraph (a)(3) of § 193.11 is amended to read as follows:

§ 193.11 Application for lease.

(a) * * *

(3) A statement of the interests, direct or indirect, in other coal leases, permits or applications therefor on public lands in the State in which the lease is desired, identifying same by land office and serial number, and that such interests, when added to the acreage covered by the application, do not exceed in the aggregate 10,240 acres in the State. A railroad company or corporation operating a common carrier must state that its interests, together with the acreage covered by the application, do not exceed in the aggregate 10,240 acres.

4. Section 193.18 is amended by designating the text thereof paragraph (a), changing the title of the section, and adding new paragraph (b) to read as follows:

§ 193.18 Cancellation of lease generally; cancellation of lease or permit issued pursuant to § 193.2(d).

* * * * *

(b) A lease or permit issued pursuant to section 193.2(d) may be canceled by the authorized officer, if the cancellation is in the public interest or the coal deposits in the lands covered thereby are no longer necessary for the lessee or permittee to carry on business economically or if the lessee or permittee has divested himself of all or any part of the original 10,240 acres or no longer has facilities for the exploitation of the deposits under lease or permit.

[F.R. Doc. 59-7104; Filed, Aug. 26, 1959; 8:46 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.0]

PRODUCT CONSISTING OF COLLOIDAL SIZED PARTICLES COMPOSED OF SILICA AND WATER

Tariff Classification

AUGUST 20, 1959.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated July 7, 1959 (24 F.R. 5479), that the existing practice of classifying a product known as "Cab-O-Sil" consisting of colloidal sized particles composed of 98.4 percent silica and 1.6 percent of water as sand containing 95 percent or more of silica and not over 0.6 percent of oxide of iron and suitable for use in the manufacture of glass under paragraph 207, Tariff Act of 1930, with duty at the rate of 50 cents per ton was under review.

The Bureau, in a letter of August 20, 1959, addressed to the collector of customs, Philadelphia, Pennsylvania, ruled that such product was classifiable as an acid anhydride, not specially provided for, under paragraph 1 of the tariff act and dutiable at the rate of 12½ percent ad valorem.

Insofar as this decision results in the assessment of a duty at a rate higher than that which heretofore has been assessed under an established and uniform practice it shall be applied only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-7118; Filed, Aug. 26, 1959; 8:48 a.m.]

[643.3]

SHOEBOARD FROM GERMANY

Purchase Price; Foreign Market Value

AUGUST 20, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of shoeboard, also known as leatherboard, manufactured by Carl Freudenberg of West Germany, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisment of entries of shoeboard manufactured by Carl Freudenberg of West Germany pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-7119; Filed, Aug. 26, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-018452, C-020706]

COLORADO

Order Providing for Opening of Public Lands

AUGUST 19, 1959.

Pursuant to authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), the following described lands reconveyed to the United States in exchange of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 S., R. 103 W.,
Section 23, N½N½SE¼, S½S½SE¼.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 47 N., R. 1 W.,
Section 7, Lot 25.
T. 47 N., R. 1½ W.,
Section 12, SE¼NE¼.
T. 47 N., R. 2 W.,
Section 1, NW¼SW¼.

The area described totals 195.62 acres of public lands.

These lands are located in Rio Blanco County in northwestern Colorado and in Gunnison County, in central Colorado. All of the lands have generally shallow soil supporting only a native vegetation of pinon-juniper trees, sagebrush, rabbitbrush, small clumps of aspen and willows and other shrubs, weeds and grasses. None of the land is suitable for agriculture.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be sub-

ject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284), as amended, presented prior to 10:00 a.m. on September 24, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on December 24, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. December 24, 1959 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59–7105; Filed, Aug. 26, 1959; 8:46 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 20, 1959.

The Fish and Wildlife Service, United States Department of the Interior, has filed an application, Serial No. Wyoming 047023, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, except that the lands will remain subject to the mineral leasing laws and the Bureau of Land Management will continue administration for grazing purposes.

The applicant desires the land for use of the Wyoming Game and Fish Commission under cooperative agreement in connection with the Table Mountain Game and Fish Management Unit, with primary emphasis accorded to waterfowl management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 60 W.,
Sec. 18, Lots 4 and 5, E½SW¼, SE¼;
Sec. 19, Lots 1, 2 and 3, NE¼SW¼.
T. 22 N., R. 61 W.,
Sec. 23, NE¼NE¼, E½SE¼NE¼, E½NE¼SE¼;
Sec. 24, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 25, N½, W½SE¼,

Containing approximately 1540.73 acres of public land.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59–7106; Filed, Aug. 26, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SALMON SALE YARDS ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Salmon Sale Yards, Salmon, Idaho.
Waverly Sales Company, Waverly, Kans.
Albert Lea Horse Market, Albert Lea, Minn.
Staples Sale Barn, Staples, Minn.
Cotulla Livestock Commission Company, Cotulla, Tex.
North Missouri Sales Pavilion, Trenton, Mo.
Smithfield Livestock Auction, Inc., Smithfield, Utah.
Spanish Fork Livestock Auction Co., Spanish Fork, Utah.
Vernal Livestock Auction Co., Vernal, Utah.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of August 1959.

LEE D. SINCLAIR,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–7115; Filed, Aug. 26, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

INTER-HEMISPHERE SERVICE CO. AND HUGO ZANELLI & CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8406, between Inter-Hemisphere Service Co., New York, N.Y. and Hugo Zanelli & Co., Houston, Tex., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 24, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59–7126; Filed, Aug. 26, 1959; 8:49 a.m.]

Office of the Secretary

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: Republic Industrial Corporation, American Seating.

B. Additions: Kelsey Hayes, Central Hudson Gas & Electric.

This statement is made as of July 30, 1959.

ROBERT JOSEPH WILLIAMS.

AUGUST 21, 1959.

[F.R. Doc. 59–7117; Filed, Aug. 26, 1959; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10791]

AEROLINEAS ARGENTINAS

Notice of Hearing

In the matter of the application of Aerolineas Argentinas for an amendment of its existing foreign air carrier permit.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on August 28, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C., August 21, 1959.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 59-7127; Filed, Aug. 26, 1959; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12897; FCC 59M-1073]

SHERRILL C. CORWIN (KGUD-FM)

Order Continuing Hearing

In re application of Sherrill C. Corwin (KGUD-FM), Santa Barbara, California, Docket No. 12897, File No. BMPH-5408; for modification of construction permit for FM broadcast station.

The Hearing Examiner having under consideration a "Motion for Continuance of Dates Set for Exchange of Exhibits and for Hearing," filed on August 20, 1959, by applicant Sherrill C. Corwin; and

It appearing, that the requested continuance of dates is based on the necessity for amending the above-entitled application so as to specify a 6-bay antenna in lieu of an 8-bay antenna, by reason of arrangements having been made by the owner of the tower on which the proposed antenna would be mounted, for another FM antenna to share this tower; and that such amendment is in the process of preparation by applicant's engineer; and

It further appearing, that counsel for respondent Cordell Fray (KANT-FM) has filed a formal statement that Fray does not oppose the subject motion, and that counsel for the Chief, Broadcast Bureau, has informally indicated the Bureau does not oppose applicant's request; and

It further appearing that good cause for granting the requested continuance of dates has been shown;

It is ordered, This 21st day of August 1959, that the aforementioned motion is granted, and that the dates heretofore scheduled for the exchange of exhibits and for the hearing are continued, pursuant to the applicant's request, as follows:

For Preliminary exchange of applicant's exhibits: From August 21, 1959, to September 21, 1959.

For Exchange by applicant and respondent of their respective exhibits in final form (with copies to Broadcast Bureau and the Hearing Examiner): From September 9, 1959, to October 12, 1959.

For Hearing: From September 16, 1959, to October 19, 1959 at 10:00 a.m., in the offices of the Commission, at Washington, D.C.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7130; Filed, Aug. 26, 1959; 8:50 a.m.]

[Docket No. 13174; FCC 59-873]

KERN RADIO DISPATCH

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Thomas R. Poor, d/b as Kern Radio Dispatch, 815 Twenty-Fourth Street, Bakersfield, California, Docket No. 13174, File No. 1596-C2-P-58, Station KMD993; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service at Taft, California.

1. The Commission has before it (1) a protest by Kay Kelso Kidd, d/b as Radio Dispatch Engineering Company (hereinafter called Protestant), licensee of station KMA257, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Bakersfield, California, timely filed on July 22, 1959 pursuant to section 309(c) of the Communications Act of 1934, as amended, protesting the Commission's action of June 18, 1959, granting without hearing the above-entitled application of Thomas R. Poor, d/b as Kern Radio Dispatch (hereinafter called Applicant) for a construction permit to provide a new two-way communication facility in the Domestic Public Land Mobile Radio Service at Taft, California; (2) a "Sworn Statement of Thomas R. Poor in Answer to Protest of Kay Kelso Kidd"; and (3) the "Comments of Kay Kelso Kidd on 'Sworn Statement of Thomas R. Poor in Answer to Protest of Kay Kelso Kidd' and his reply thereto."

PRELIMINARY STATEMENT

2. On January 22, 1958, Applicant applied for the two-way communication facility mentioned in paragraph 1 above. A construction permit was issued on June 18, 1959, and public notice of this action was issued on June 22, 1959. (Report No. 482, Mimeo No. 74765.) Prior to the grant of the above-captioned application, action thereon was withheld pending (a) the resolution of engineering problems presented by like applications for service in this area filed by Protestant (File Nos. 5537-C2-P-58 and 1879-C2-P-58, station KMA257), (b) the Commission's final determination on the application of Loyd Frame for a like two-way facility at Bakersfield, California (Docket No. 11596, 24 FCC 80 and 26 FCC 185), and (c) resolution of certain problems relating to the improper installation and operation of certain radio transmitting apparatus by the Applicant. Applicant holds a radiotelephone second-class operator license from this Commission.

THE PROTEST

3. Protestant asserts that he is a party in interest within the meaning of section 309(c) of the Communications Act because the proposed station will provide service to a substantial area now served by Protestant's existing station KMA257. Protestant alleges that Applicant will be in direct competition with him for the rendition of like communication service. Protestant states that on July 31, 1958, Applicant filed with the Commission a false developmental report which he was required to submit in connection with our grant to Applicant of a developmental authorization on March 31, 1958 for the purpose of establishing feasibility of split-channel operation of the facilities authorized in the captioned application in accordance with § 21.501(c) of the Commission's rules. Specifically, Protestant states, based in part on his personal observation, and in part on the sworn affidavit of a former employee of Applicant, Marvin Fair, that the tests and the developmental report thereon were false in the following respects:

(a) The tests were conducted with a General Electric 30 watt mobile unit ET-20A, not GE-ET 21A as reported by Applicant, installed at Paleto Peak which had a defective transformer, causing reduced power output below that required for the test.

(b) The power output of this station was 28 watts.

(c) The antenna was a home-made folded unipole instead of the one authorized in the developmental license.

(d) The Paleto Peak base station was operated as a repeater, contrary to the authorization.

(e) An unauthorized base station, located at 815 24th Street, Bakersfield, California, and operating on the mobile frequency was used as a control station, contrary to the developmental license.

Protestant further states that Applicant proposes to use 18 mobile units which are no longer acceptable for licensing and, if Applicant plans to purchase new mobile units which comply with our rules, there is no showing that Applicant is financially qualified to do so. Such mobile units, Protestant states, would cost between $9,000.00 and $10,000.00 and Applicant's balance sheet, attached to his application, does not show sufficient liquid assets to finance this outlay.

4. Protestant requests that the application be designated for hearing on the following issues:

(a) To determine the facts and circumstances relative to the conduct of test operations authorized by the developmental license, File No. 2220-C2-P/L-58.

(b) To determine whether any unlicensed operation in violation of section 301 of the Communications Act has taken place during the conduct of such tests.

(c) To determine whether any willful and knowing misrepresentation or concealment of material facts by Applicant had taken place in connection with the conduct of developmental operations by Applicant, and the developmental report submitted to the Commission relative thereto.

(d) To determine whether the mobile units proposed by Applicant meet the requirements of the Commission's rules.

(e) To determine whether Applicant is financially qualified to construct and operate the proposed station.

(f) To determine whether Applicant has the necessary character qualifications to be a common carrier station licensee.

(g) To determine, in the light of the evidence adduced on the foregoing issues, whether the application of Thomas R. Poor should be granted.

THE OPPOSITION TO THE PROTEST

5. On August 4, 1959, Applicant filed a sworn statement in answer to the Protest. Applicant first states that the sworn statement of Marvin Fair should be read in the light of the fact that a business relationship exists between Fair and Protestant and that Fair is dependent on Protestant's business good will and may be subject to Protestant's direction. Applicant states that Marvin Fair was in his employ during the period of the developmental tests referred to in the protest; that, after receipt of the developmental authority on March 31, 1959. Fair was instructed to deliver to the location specified in the developmental authorization a trailer on which was installed a folded unipole antenna and a General Electric transmitter that had a nameplate thereon stating it was a type ET–20A; that, on April 19, 1959, tests were made with this equipment on a frequency other than authorized, (namely 158.67 Mc) for the purpose of determining possible interference to a co-channel facility at Ventura, California; that such deviations were reported by Applicant to the Commission and appeared to Applicant to be reasonable and necessary for a complete test;[1] that, between April 15 to April 28, 1959, Applicant made no extensive tests; that, on April 28, 1959, the antenna specified in Applicant's developmental authorization was installed; that the transmitter, which had the identifying type No. ET–20A on the chassis had been modified to a type ET–21A; that Applicant's developmental report was based on the authorized antenna and the authorized transmitter operating at the required power; that Applicant has substantially adhered to all terms of his developmental authorization and has candidly advised the Commission of the manner and nature of all tests thereunder and has made no wilful misrepresentations or concealed any material facts from the Commission; that Applicant now has thirty-five mobile units, nine of which are type accepted for narrow band transmission, and the remainder of which can be made suitable for such operation by use of an inexpensive modification kit; that, since Protestant's attack on Applicant's financial qualifications is tied exclusively to the mobile inventory, Protestant's allegation is disproved; that Applicant is confident he possesses the necessary character qualifications to be a licensee of a Domestic, Public Land Mobile Radio Service facility; and that Protestant's activity as a "private attorney general" is directed principally to protecting his monopolistic position as a miscellaneous common carrier in this area of California rather than any high personal concern for the public interest regarding Applicant's character qualifications. Applicant further requests that the Commission make an affirmative finding of fact that the public interest requires that the grant remain in effect pending disposition of the protest and, in support thereof, Applicant states that there is a need for service in the area he will serve, which area, in part, cannot be served by Protestant's existing station; that Protestant has not specifically stated the facts on alleged competition; and that Applicant is prepared to construct the station and assume the risk that the Commission may issue a final decision denying his application.

THE REPLY TO OPPOSITION TO PROTEST

6. On August 10, 1959, Protestant filed comments on the sworn statement of Applicant. Protestant states that, contrary to Applicant's statement under oath, equipment with less than the authorized power was used during the entire developmental test period; that the ET–20A transmitter was never modified to a type ET–21A; that the variances from Applicant's developmental authorization were not reported to the Commission and that Applicant has made no affirmative showing that the public interest requires that the grant remain in effect pending our decision after hearing. Protestant states also that, if Applicant values his inventory at only $6,644.68, as shown in the balance sheet attached to the reply to the protest, which includes 35 mobile units, Protestant does not believe the mobile equipment would be suitable for common carrier use and that, further, Protestant's balance sheet is incomplete in that it fails to reflect, as a liability, the mortgage on a home newly purchased by Applicant.

DISPOSITION OF THE PROTEST

7. In light of the fact that Protestant is the licensee of a two-way facility similar to that proposed by Applicant and the parties recognize that there is a substantial overlap between the 37 dbu contours of the respective services in which there will be economic competition between the parties, we are of the view that Protestant is a party in interest within the meaning of section 309(c) of the Act. Protestant has raised matters concerning the character and other qualifications of the Applicant and the bona fides of the nature of certain tests conducted under a developmental authorization granted by the Commission to determine the feasibility of the split channel operation requested in the captioned application. Protestant has presented these allegations based upon his personal observation and supported by an independent affidavit. Applicant, under oath, has denied Protestant's allegations. Had these matters been known prior to the grant without hearing of the captioned application, they would have merited careful and substantial consideration when the application was processed. In view of the serious nature of the charges made by Protestant against Applicant and the diametrically opposed statements of the parties now before us, it appears that an evidentiary hearing is necessary in order that a full and complete record may be made. Likewise, in the light of these circumstances, we find and conclude, for the limited purpose of determining whether or not to terminate Applicant's grant at this time, that we are unable to find that the public interest requires that the grant remain in effect pending our decision after hearing.

8. Protestant states that his allegation of competition in his protest was made for the purpose of establishing standing as a party in interest under section 309 (c) of the Communications Act. Protestant alleges no facts in support of a showing of an adverse impact on the public interest, convenience and necessity resulting from competition in the areas of mutual overlap. We have no independent knowledge of any adverse effects to the public which would flow from competition of two like facilities in the areas of overlap between Protestant's existing and Applicant's proposed facility. Accordingly, no issues will be designated for hearing relative to the economic justification for more than one facility in the overlap area, or the relative advantages or disadvantages which would accrue therefrom.

9. In view of the controversy raised concerning the financial qualifications of Applicant, it also appears desirable to review these matters at the hearing hereinafter ordered.

10. The Protestant's suggested issues (a), (c), (e) and (g) are adopted and issues (b), (d) and (f) are adopted as rewritten.

11. *Accordingly, it is ordered,* That, the effective date of the Commission action of June 18, 1959, granting the above captioned application, is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

12. *It is further ordered,* That the above captioned application is designated for hearing at the Commission's offices in Washington, D.C. at a time to be specified by a subsequent order upon the following issues:

1. To determine the facts and circumstances relative to the conduct of test operations authorized by the develop-

[1] The matters referred to by Applicant as having been reported to the Commission in the developmental report were inadvertently overlooked by the Commission's staff at the time of processing the subject application and it is deemed necessary, material and relevant to review such matters carefully in this proceeding.

mental license, File No. 2220-C2-P/L-58.

2. To determine whether any unlicensed operation in violation of section 301 of the Communications Act and Subpart F of Part 21 of the Commission's rules has taken place during the conduct of such tests.

3. To determine whether any willful and knowing misrepresentation or concealment of material facts by Applicant has taken place in connection with the conduct of developmental operations by Applicant, and the developmental report submitted to the Commission relative thereto.

4. To determine the number of mobile units Applicant now has on hand, whether such units are type accepted for the service proposed herein and, if not, the cost to convert them for such use.

5. To determine whether Applicant has the necessary technical, financial and character qualifications to be a common carrier station licensee.

6. To determine, in the light of the evidence adduced on the foregoing issues, whether the application of Thomas R. Poor should be granted.

13. *It is further ordered,* That the burden of proof on issues 1, 4, 5 and 6 are placed on Applicant, and the burden of proof on issues 2 and 3 are placed on the Protestant; and

14. *It is further ordered,* That the Protestant, and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

15. *It is further ordered,* That the protest is allowed, to the extent indicated herein; and

16. *It is further ordered,* That the parties desiring to participate herein shall file their appearances as required by § 1.140 of our rules.

Adopted: August 21, 1959.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7131; Filed, Aug. 26, 1959; 8:50 a.m.]

[Docket No. 11908; FCC 59M-1074]

NORTHSIDE BROADCASTING CO.

Order Scheduling Hearing

In re application of Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP-10824; for construction permit.

It is ordered, This 24th day of August 1959, that a further hearing in the above-entitled proceeding will commence on October 19, 1959, at 10:00 a.m., in Washington, D.C.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7132; Filed, Aug. 26, 1959; 8:50 a.m.]

[Docket No. 13173]

PAUL VOISIN

Order To Show Cause

In the Matter of Paul Voisin, Grand Caillou Route, P.O. Box 450, Houma, Louisiana, Docket No. 13173; order to show cause why there should not be revoked the license for radio station WG-7351 aboard the vessel "Captain Lynn."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested by letter dated June 22, 1959, to furnish a statement under oath or affirmation, within fifteen days from the date of receipt of such letter, describing the measures which he was taking or had taken in order to achieve compliance with the provisions of section 301 of the Communications Act of 1934, as amended, and § 8.351(d) of the Commission's rules; and

It further appearing that the Commission's above-mentioned letter was sent by Certified Mail—Return Receipt Requested (No. 97350); and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Joseph Duplonre, on June 27, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been made; and

It further appearing that in view of the foregoing, the licensee has willfully violated section 308(b) of the Communications Act of 1934, as amended;

It is ordered, This 21st day of August, 1959, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-7133; Filed, Aug. 26, 1959; 8:50 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. G-11493 etc.]

BARNWELL PRODUCTION CO. AND HEEP OIL CORP. ET AL.

Notice of Applications and Date of Hearing

AUGUST 20, 1959.

In the matters of Barnwell Production Company, Docket No. G-11493; Heep Oil Corporation, et al., Docket Nos. G-13935 and G-13970.

Take notice that Barnwell Production Company (Barnwell)[2] an independent producer with its principal place of business in Shreveport, Louisiana, filed, on November 15, 1956, an application in Docket No. G-11493 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Take further notice that Heep Oil Corporation, et al. (Heep, et al.),[3] an independent producer with its principal place of business in Augusta, Texas, filed on December 12, 1957, in Docket No. G-13935, and on December 16, 1957, in Docket No. G-13970, applications to abandon service pursuant to section 7(b) of the Natural Gas Act, subject to the jurisdiction of the Commission, as described below, and all as more fully described in the applications which are on file with the Commission and open to public inspection.

Docket No. G-13935. Heep, et al., in Docket No. G-13935 request authoriza-

[2] A partnership composed of R. S. Barnwell, Sr., and R. S. Barnwell, Jr.

[3] "Et al.", parties in Docket No. G-13935 are Herman F. Heep, Jack Modesett and Conroe Drilling Company. "Et al.", party in Docket No. G-13970 is Herman F. Heep.

tion to abandon service to Tennessee Gas Transmission Company (Tennessee) from the West Ace Field, Polk and San Jacinto Counties, Texas, covered by a contract dated May 1, 1953, between Heep, et al., among others, as sellers, and Tennessee, as buyer, on file as Heep Oil Corporation, et al., FPC Gas Rate Schedule No. 2. Heep, et al., were authorized to render this service to Tennessee in Docket No. G–4412 by order issued August 22, 1956.

In support of the proposed abandonment of service to Tennessee from the West Ace Field in Polk and San Jacinto Counties, Texas, Heep, et al., state that the available supply of natural gas from the property dedicated to Tennessee under the contract of May 1, 1953, has been depleted and that the well thereon was plugged and abandoned on April 7, 1956.

Heep, et al., submitted as part of the subject application in Docket No. G–13935 an agreement dated October 28, 1957, with Tennessee, providing for cancellation of the aforementioned contract, and a release of the lease involved dated April 13, 1957.

Docket No. G–13970. Heep, et al., in Docket No. G–13970 request authorization to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from the George C. Hall and John Crane Gas Units in Wallace-Johnson Field, Marion County, Texas, covered by a contract dated May 29, 1953, as amended, between Heep, et al., among others, as sellers, and Arkansas Louisiana, as buyer, on file as Heep Oil Corporation, et al., FPC Gas Rate Schedule No. 7, as supplemented. Heep, et al., were authorized to render this service to Arkansas Louisiana in Docket No. G–4413 by order issued October 24, 1956.

Heep, et al., in Docket No. G–13970 propose to abandon service to Arkansas Louisiana from the George C. Hall Unit due to depletion of the supply of gas from the unit well. The well was plugged and abandoned on August 30, 1955, and the properties released by instruments dated August 15 and 31, 1955, effective August 31, 1955.

Heep, et al., assigned their interest in the John Crane Unit to Barnwell Drilling Company, Inc., (Barnwell Drilling) by instrument dated August 8, 1955, effective August 1, 1955, subject among other things to a 1/16 of 7/8 overriding royalty interest assigned to David J. Flesh (Flesh) and to the aforementioned contract of May 29, 1953, as amended.

Currently with the application in Docket No. G–13970, Heep, et al., filed copies of a letter dated December 5, 1957, from Arkansas Louisiana wherein Arkansas Louisiana states it will not oppose the proposed abandonment of service from both units.

Docket No. G–11493. Barnwell, in Docket No. G–11493 requests authorization to render service to Arkansas Louisiana from the John Crane Gas Unit in the Wallace-Johnson Field, Marion County, Texas, pursuant to the terms of the above-mentioned contract of May 29, 1953, as amended, between Heep, et al., among others, and Arkansas Louisiana.

Barnwell acquired the interest of Barnwell Drilling by instrument of assignment dated September 29, 1955, effective August 1, 1955, subject to the contract of May 29, 1953, and the overriding royalty interest to Flesh and proposes herein to continue service from the Crane Unit to Arkansas-Louisiana. Barnwell was authorized to commence service on a temporary basis pursuant to § 157.28 (Commission Order No. 193) by airmail letter dated July 16, 1958.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 22, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 11, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7099; Filed, Aug. 26, 1959; 8:45 a.m.]

[Docket No. G–18319]

W. J. COPPINGER ET AL.

Notice of Application and Date of Hearing

AUGUST 20, 1959.

Take notice that on April 13, 1959, as supplemented on June 29, 1959, W. J. Coppinger, et al.,[1] (Applicants) filed in Docket No. G–18319 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon natural gas service to Northern Natural Gas Company (Northern) from the Kirkpatrick #1 Gas Unit in the South Pleasant Valley Field, Ford County, Kansas, covered by a gas sales contract dated September 27, 1954, designated in the Commission's files as W. J. Coppinger, et al., FPC Gas Rate Schedule No. 2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that the supply of natural gas from the subject acreage is depleted to the extent that continuance of service is unwarranted and that the well thereon has been plugged and abandoned.

Notice of cancellation of the foregoing gas sales contract has been accepted for filing and designated Supplement No. 1 to W. J. Coppinger, et al., FPC Gas Rate Schedule No. 2.

Applicants were authorized to render the subject service to Northern on June 27, 1957, in Docket No. G–4080.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59–7100; Filed, Aug. 26, 1959; 8:45 a.m.]

[1] W. J. Coppinger filed for himself and on behalf of William J. Sinek, William J. Froelich, and S. J. Crowley.

GENERAL SERVICES ADMINISTRATION

PARTIALLY PROCESSED QUARTZ CRYSTALS HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,500,000 pieces of par-

tially processed quartz crystals now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these quartz crystals. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said quartz crystals are obsolescent for use in time of war.

General Services Administration proposes to offer said quartz crystals for sale, on a competitive basis, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 20, 1959.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F.R. Doc. 59-7122; Filed, Aug. 26, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1219]

EQUITY ANNUITY LIFE INSURANCE CO.

Notice of Filing and Order for Hearing Regarding Application for Exemptions from Act

AUGUST 20, 1959.

Notice is hereby given that The Equity Annuity Life Insurance Company ("Ealic"), Washington, D.C., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for exemption from the provisions of the Act specifically set forth herein.

Ealic was organized on July 11, 1956 under the Life Insurance Act of the District of Columbia and is subject to regulation by the Superintendent of Insurance of the District of Columbia and the insurance authorities of other States where it transacts business. Since its organization Ealic has been engaged in issuing and selling variable annuity contracts together with term life insurance and disability insurance in combination contracts. On March 23, 1959 the Supreme Court of the United States in Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America, 359 U.S. 65, determined, in effect, that the variable annuity contracts offered by Ealic are securities within the meaning of the Act and Ealic is an investment company required to be registered thereunder. The application states that Ealic, for the purpose of compliance with the Act, proposes to change certain of its methods of operations heretofore employed so as to operate in the manner summarized below.

As of June 30, 1959, the total admitted assets of Ealic amounted to $691,221, and its reserve liabilities on variable annuity contracts amounted to $166,054, its reserve liabilities on life and disability contracts amounted to $1,924, its common stock and surplus amounted to $486,347, and miscellaneous liabilities comprised the balance.

Generally speaking the variable annuity contracts which Ealic proposes to issue and sell provide, in substance, that the purchaser will make either a single payment, or periodic payments of fixed amounts over a period of years, such period of years being hereinafter referred to as the "pay-in" period. In return for such payments the purchaser will be credited with so-called "accumulation units" representing the purchaser's pro-rata share of assets of the company. Since the purchaser's payments are constant in amount the number of accumulation units credited to the purchaser's account will depend upon the value of a single accumulation unit at the time of each payment. Until the so-called "maturity date", which is selected by the purchaser, he has the right, at any time, to redeem the accumulation units at their then current value and terminate the contract, and in the event of death prior to the maturity date such redemption and termination are mandatory, although various settlement options are available to the designated beneficiary. Prior to maturity the purchaser also has the right to redeem all or part of the accumulation units standing to his credit without terminating the contract, and upon payment to Ealic of a stipulated service charge, he may repay such withdrawn amount, which repayment will be used to provide accumulation units as their current value at the time of repayment, without deduction for sales and other charges discussed later.

At the maturity date, generally speaking, the contract holder may elect to have the accumulation units standing to his credit converted into so-called "annuity units" which also represent a proportionate interest in the assets of the company, and to receive periodically the value, as it may vary, of a specified number of such annuity units for either (i) the balance of his life, or (ii) a fixed period of years plus the balance of his life if he survives. The contract holder, in the alternative, may elect to have the value of such units paid throughout the life of the last survivor of himself or another person. The period over which Ealic will make payments to the contract holder or his survivor is hereinafter referred to as the "pay-out" period. The number of annuity units, the proceeds of which the contract holder is entitled to receive periodically, is determined by reference to a life annuity table, and is dependent upon the sex of the contract holder, age at the maturity date and the type of pay-out elected. Annuity units may not be redeemed and the contract holder is entitled only to receive the payments during the particular pay-out period which he has elected.

The value of accumulation units and annuity units will be determined on the last day of each month. The valuation will reflect the investment experience of the company's "investable assets" which will consist, in the main, of common stocks meeting the requirements of the Life Insurance Act. The valuation of these units will also reflect the deduction of a charge not to exceed 0.15 percent monthly (1.8 percent annually) of the unit value, which deduction will enure to the common stockholders of the company to cover, in part, administrative, management and other expenses, premium taxes, contingency reserve liabilities, and profit. To reflect the investment experience of the investable assets their current value will be determined, to which there will be added realized gains or losses incurred, and dividend or interest income (less income taxes) received since the last preceding valuation, and the figure thus obtained, less deductions will be expressed as a percentage of the last preceding comparable figure and applied to the last preceding unit value to obtain the current unit value.

The application states that the sales load applicable to periodic payment variable annuity contracts sold to individuals is 40 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next 108 monthly payments or their equivalent. The sales load applicable to single payment variable annuity contracts is stated to be 5 percent of the payment. In addition to these deductions from payments a further deduction is made to cover issuance and administrative costs which in the case of periodic payment plans sold to individuals is equal to 10 percent of the first years payments, 7 percent of the next nine years payments and 8 percent thereafter; in the case of a single payment contract this deduction is equal to 5 percent of the payment.

The application states that Ealic is required under the Life Insurance Act to reflect in its accounts, as reserve liabilities, all liabilities to which it is subject arising out of its variable annuity contracts and life and disability contracts. It is further required to maintain admitted assets equal in value to such liabilities as well as the par value of its common stock and surplus. In addition to these legally required reserve liabilities and assets, Ealic has undertaken and represented in connection with this application, that it will establish a contingency reserve equal to 25 percent of its liability to variable annuity contract holders during the pay-out period, and to maintain additional admitted assets of like amount in value. Ealic has further undertaken and represented in connection with this application to reinsure with other insurance companies all liabilities under life and disability contracts.

Ealic has requested exemption from the provisions of the Act and the rules thereunder enumerated below, to the extent that such provisions may be deemed applicable to, and to the extent that said exemptions may be deemed necessary to permit, the transactions described below.

Section 17(a)(3) prohibits an affiliated person or principal underwriter of a

registered investment company from borrowing any money or other property from such company, except under certain circumstances not here relevant. Ealic requests exemption from this provision of the Act to permit it to make advances to its general agents if they be deemed principal underwriters of Ealic or are otherwise affiliated persons of Ealic.

Rule 17d–1 promulgated pursuant to section 17(d) of the Act prohibits, unless specifically exempted by order thereunder, joint undertakings in the nature of bonus or profit sharing arrangements between a registered investment company and an affiliated person of or principal underwriter for, such company except under circumstances not here relevant. Ealic requests exemption from the provisions of this rule to permit the payment to its general agents and employees of bonuses or additional compensation based on the volume of Ealic's sales of contracts.

Section 17(f) so far as here relevant requires every registered management investment company to place and maintain its securities and investments in the custody of a bank or in its own custody, but in the latter event only in accordance with such rules, regulations or orders as the Commission shall prescribe in the interests of investors. Rule 17f–2 prescribes the conditions under which a registered management investment company shall maintain its securities and investments in its own custody, including their deposit in a bank for safekeeping pursuant to the arrangements therein described. Ealic states that it is required under the Life Insurance Act and the laws of another state in which it transacts business to maintain on deposit with the insurance commissioner or similar official or agency, specified amounts of securities or cash as a condition to the transaction of business. It also represents that the laws of other states in which it may transact business in the future have similar requirements. Ealic seeks exemption from the provisions of section 17(f) and Rule 17f–2 to the extent necessary to comply in this respect with the laws of the several states in which it is, or may in the future be, transacting business.

Section 18(f)(1) of the Act prohibits a registered open-end investment company from issuing or selling any senior security except under circumstances not here relevant. A senior security is defined in section 18(f)(2) to include any instrument constituting a security and evidencing indebtedness, and any stock of a class having priority as to distribution of assets over another class of stock. Ealic requests exemption from the provisions of section 18(f)(1) to permit the issuance by Ealic of its variable annuity contracts to the extent that they may be considered securities evidencing an indebtedness of Ealic or they may be considered stocks which have priority over Ealic's outstanding common stock in the distribution of assets.

Section 18(i) requires, with certain exceptions, that every share of stock issued by a registered management investment company shall be a voting stock and have equal voting rights with every other outstanding voting stock unless issued in accordance with a permissive order. Ealic proposes to amend its charter to grant voting rights to the holders of its variable annuity contracts pursuant to a formula which will divide all voting rights in the company between the holders of the variable annuity contracts and the holders of the common stock of the company according to their respective financial interests in the company. Ealic states that the Life Insurance Act requires in the case of a variable annuity contract issued to a group that the employer is deemed to be the policy holder, and shall be limited to but one vote. Ealic requests an order pursuant to section 18(i) to permit it to comply with this provision of the Life Insurance Act in the case of group variable annuity contracts.

Section 22(d) prohibits, with certain exceptions not here relevant, a registerd investment company, a principal underwriter for such company or a dealer, from selling any redeemable security issued by such company other than at a current public offering price described in the prospectus. Ealic proposes to issue group variable annuity contracts on a negotiated basis varying the sales load and other expense deductions made from the contract holders' payments and accordingly it does not propose to state in its prospectus a public offering price applicable to group variable annuity contracts. Exemption from section 22(d) is requested to the extent necessary to permit the sale of group variable annuity contracts on the proposed basis.

Section 22(e) prohibits, except under circumstances not here relevant, a registered investment company from postponing the date of payment or satisfaction upon redemption of any redeemable security for more than seven days after the tender of such security to the company for redemption. Ealic requests exemption from this provision of the Act to permit it to postpone payment upon all variable annuity contracts tendered for redemption during the pay-in period for a period of not more than seven days after the next ensuing monthly valuation date of its accumulation units.

Section 24(d) provides that the exemption contained in section 3(a)(8) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. Section 3(a)(8) of the Securities Act of 1933 exempts from the necessity of registration thereunder any insurance or endowment policy, or any annuity contract issued by a corporation subject to the supervision of the insurance commissioner of any state. Ealic requests exemption from the provisions of section 24(d) to the extent necessary to permit the public offering for sale, and sale, of the conventional insurance policies or contracts issued by it, either alone or in combination with its variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

Section 27(a) prohibits so far as here revelant the sale of a periodic payment plan certificate issued by a registered investment company if (1) the sales load exceeds 9 per centum of the total payments to be made thereon, and (2) the sales load deducted from the first twelve monthly payments or their equivalents, are not proportionately alike or, exceed one-half of such first twelve monthly payments, and if (3) the amount deducted for sales load from subsequent payments are not proportionately alike. Ealic states that its variable annuity contracts which are sold pursuant to a periodic payment plan do not provide for a fixed total purchase price or a fixed period of years over which the same shall be paid, but provide for fixed periodic payments from the date of the initial payment until the maturity date which may be designated by the purchaser at any time after attainment of age fifty and before attainment of age seventy. Ealic requests exemption from the provisions of section 27(a) to the extent necessary to permit it to deduct the sales load on an assumed ten year basis, in the amount of 40 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next succeeding 108 payments or their equivalent in the case of variable annuity contracts sold to individuals, and the same at lesser percentage deductions in the case of group variable annuity contracts.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless, among other things, the proceeds of all payments, other than sales load, are deposited with a trustee or custodian and held under an indenture or agreement containing, in substance the provisions required by section 26(a)(2) and (3). The latter provisions define the character of expenses which the trustee may charge against the fund resulting from such proceeds and exclude from expenses any payments to the depositor or principal underwriter, other than reasonable payments for administrative services delegated to them. These latter provisions also require that the trustee segregate and hold in trust all securities and cash of the fund, and govern the circumstances under which the trustee or custodian may resign. Ealic requests exemption from the provisions of section 27(c)(2) so as to permit it to treat all of the proceeds of its variable annuity contracts which are sold on a periodic payment basis as part of its general corporate assets and income and not to create a separate custodianship or trusteeship with respect thereto.

Generally speaking section 7(b) prohibits, with certain exceptions not here relevant, an investment company unless registered pursuant to the provisions of section 8, from engaging in a transaction by use of means or instrumentalities of interstate commerce or the mails. Section 2(a)(8) defines a company to include a trust, a fund, or any organized group of persons whether or not incorporated. To the extent Ealic's proposed method of operation may be construed to create a company separate and apart from Ealic, consisting of a trust or fund, created by the payments made by the variable annuity contract holders which are held by Ealic for their benefit, exemption is

sought for such trust or fund from all the provisions of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the Rules of the Commission thereunder be held on the 10th day of September 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, in light of the terms and conditions of the variable annuity contracts, the reserve and other requirements of the Life Insurance Act, the undertakings of Ealic with respect to maintenance of a contingency reserve for its variable annuity contracts and reinsurance of its conventional life and disability insurance liabilities, and the nature of the common stockholders' interests in Ealic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To exempt Ealic from the provisions of section 18(f)(1) to the extent necessary to permit the issuance and sale of variable annuity contracts and conventional life and disability insurance; and

(b) To exempt the general agents of Ealic who are principal underwriters or otherwise affiliated persons of Ealic from the provisions of section 17(a)(3) so as to permit them to borrow money or other property from Ealic the indebtedness for which shall not be treated as admitted assets of Ealic; and

(c) To exempt Ealic from the provisions of Rule 17d–1 to the extent necessary to permit the payment by it to its sales agents and employees of bonuses or additional compensation based on the volume of Ealic's sales of contracts; and

(d) To exempt Ealic from the provisions of section 17(f) and the rules thereunder to the extent necessary to permit it to place securities and cash on deposit with the insurance commissioner or similar official or agency of any state in which Ealic transacts business in an amount necessary under the laws of such state to qualify to do business therein.

(2) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To permit Ealic to issue group variable annuity contracts to employers, which contracts entitle the holder to one vote, in light of the provisions of the Life Insurance Act and the nature and character of a group variable annuity contract and the interests of the purchaser or purchasers therein if such permission be deemed to be necessary; and

(b) To exempt the public sale of group variable annuity contracts from the provisions of section 22(d) of the Act to the extent necessary to permit such public sale on a negotiated basis and without the statement in the prospectus of a uniform public offering price applicable to such group contracts, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Ealic is subject and the terms and conditions of such contracts; and

(c) To exempt Ealic from the provisions of section 22(e) to the extent necessary to permit it to postpone for not more than seven days after the next ensuing valuation date of its accumulation units, payments or satisfaction of variable annuity contracts tendered to it for redemption, in light of the nature and character of the variable annuity contract; and

(d) To exempt Ealic from the provisions of section 27(a)(1), (2) and (3) to the extent necessary to permit the sale of its variable annuity contracts to individuals pursuant to a periodic payment plan providing for the deduction for sales load of an amount not in excess of forty per centum of the first twelve monthly payments, or their equivalent, and not in excess of 5 per centum of the next succeeding 108 periodic payments, or their equivalent, in light of the terms and conditions of such variable annuity contracts and periodic payment plans.

(3) Whether, in light of the nature and character of the conventional insurance contracts or policies to be issued by Ealic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Ealic from the provisions of section 24(d) of the Act to the extent necessary to permit such contracts to be publicly offered for sale and sold, either alone or in combination with variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

(4) Whether, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Ealic is subject, and the obligations of Ealic under the variable annuity contracts, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Ealic from the provisions of section 27(c)(2) to the extent necessary to permit the sale of its variable annuity contracts issued on a periodic payment basis, without a separate custodianship or trusteeship of the proceeds of such periodic payments; and, if so, whether the deductions made from such periodic payments, other than for sales load, are reasonable in light of all the circumstances.

(5) Whether, in light of all the circumstances, including the registration of Ealic as an investment company and the registration of its variable annuity contracts under the Securities Act of 1933, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt from all the provisions thereof the trust or fund which may be construed to result from Ealic's proposed method of operations.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the Equity Annuity Life Insurance Company, and the insurance commissioner, or similar official or agency of the several states in which Ealic is licensed to sell its variable annuity contracts, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59–7110; Filed, Aug. 26, 1959; 8:47 a.m.]

[File No. 70-3812]

GEORGIA POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Principal Amount of Bonds

AUGUST 20, 1959.

Notice is hereby given that Georgia Power Company ("Georgia"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $18,000,000 principal amount of First Mortgage Bonds ("New Bonds"), __ percent Series, to be dated as of September 1, 1959, and to mature September 1, 1989. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Georgia (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are to be issued under the Indenture, dated as of March 1, 1941, between Georgia and The New York Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by an indenture dated as of September 1, 1959.

Georgia contemplates making expenditures of approximately $49,511,000 during 1959 for the construction or acquisition of property. The proceeds of the proposed issue and sale, together with cash on hand derived from internal sources and from common stock financing undertaken in February 1959, will be used to finance this program. The company contemplates that it will not be necessary to sell any additional securities in 1959 for such purpose.

The application states that the issuance and sale of the New Bonds have been expressly authorized by the Georgia Public Service Commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses incident to the proposed transaction are to be supplied by amendment.

Notice is further given that any interested person may, not later than September 4, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7111; Filed, Aug. 26, 1959; 8:47 a.m.]

[File No. 812-1244]

VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

Notice of Filing and Order for Hearing Regarding Application for Exemptions From Act

AUGUST 20, 1959.

Notice is hereby given that The Variable Annuity Life Insurance Company of America ("Valic"), Washington, D.C., has filed an application pursuant to the Investment Company Act of 1940 (the "Act") for exemption from certain provisions of the Act and the rules thereunder, as specifically set forth herein.

Valic was organized on December 30, 1955 under the Life Insurance Act of the District of Columbia ("Life Insurance Act") and is subject to regulation by the Superintendent of Insurance of the District of Columbia and the insurance authorities of other states where it transacts business. Since its organization Valic has been engaged in issuing and selling variable annuity contracts together with term life insurance and disability insurance in combination contracts. On March 23, 1959 the Supreme Court of the United States in Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America, 359 U.S. 65, determined, in effect, that the variable annuity contracts offered by Valic are securities within the meaning of the Act and Valic is an investment company required to be registered thereunder. The application states that Valic, for the purpose of compliance with the Act, proposes to change certain of its methods of operations heretofore employed so as to operate in the manner summarized below.

As of July 31, 1959, the total admitted assets of Valic amounted to $1,048,721 and its reserve liabilities on variable annuity contracts amounted to $461,443, its reserve liabilities on life and disability contracts amounted to $13,555, the par value of its common stock plus surplus amounted to $544,061, and miscellaneous liabilities comprised the balance.

Generally speaking the variable annuity contracts which Valic proposes to issue and sell provide, in substance, that the purchaser will make either a single payment, or periodic payments of fixed amounts over a period of years, such period of years being hereinafter referred to as the "pay-in" period. In return for such payments the purchaser will be credited with so-called "accumulation units" representing the purchaser's pro-rata share of the assets of the company. Since the purchaser's payments are constant in amount the number of accumulation units credited to the purchaser's account wil depend upon the value of a single accumulation unit at the time of each payment. Until the so-called "maturity date" which is selected by the purchaser, he has the right, at any time, to redeem the accumulation units at their then current value and terminate the contract, and in the event of death prior to the maturity date such redemption and termination are mandatory, although various settlement options are available for the payment of the proceeds to a designated beneficiary. In the event of voluntary redemption prior to maturity Valic reserves the right to impose a charge not to exceed 2 percent of the redemption value. Prior to maturity the purchaser also has the right, subject to deferment by Valic for a period of six months, to redeem all or part of the accumulation units standing to his credit without terminating the contract, and upon payment to Valic of a service charge of 3 percent per annum, he may repay such withdrawn amount, which repayment will be used to provide accumulation units at their current value at the time of repayment, without deduction for sales and other charges discussed later.

At the maturity date, generally speaking, the contract holder may elect to have the accumulation units standing to his credit converted into so-called "annuity units" which also represent a proportionate interest in the assets of the company, and to receive periodically the value, as it may vary, of a specified number of such annuity units for either (i) the balance of his life, or (ii) a fixed period of years plus the balance of his life if he survives. The contract holder, in the alternative, may elect to have the value of such units paid throughout the life of the last survivor of himself or another person. The period over which Valic will make payments to the contract holder or his survivor is hereinafter referred to as the "pay-out" period. The number of annuity units, the proceeds of which the contract holder is entitled to receive periodically, is determined by reference to a life annuity table, and is dependent upon the sex of the contract holder, age at the maturity date and the type of pay-out elected. Annuity units may not be redeemed and the contract holder is entitled only to receive the payments during the particular pay-out period which he has elected.

The value of accumulation units and annuity units will be determined at the end of each month. The valuation will reflect the investment experience of the company's "investable assets" other than non-convertible debt securities, which will consist, in the main, of common stocks meeting the requirements of the Life Insurance Act. The valuation of these units will also reflect the deduction of a charge not to exceed 0.15 percent monthly (1.8 percent annually) of the unit value, which deduction will enure to the common stockholders of the company to cover, in part, administrative, management and other expenses, income taxes, contingency reserve liabilities, and

profit. To reflect the investment experience of the investable assets their current value will be determined, to which there will be added realized gains or losses incurred, and dividend or interest income received, since the last preceding valuation, and the figure thus obtained less deductions will be expressed as a percentage of the last preceding comparable figure and applied to the last preceding unit value to obtain the current unit value.

The application states that the sales load applicable to periodic payment variable annuity contracts sold to individuals is 50 percent of the first twelve monthly payments, or their equivalent, and 5 percent of the next 132 monthly payments or their equivalent. The sales load applicable to single payment variable annuity contracts is stated to be 5 percent of the payment. In addition to these deductions from payments a further deduction is made to cover issuance and administrative costs and premium taxes which in the case of periodic payment plans sold to individuals is equal to 2 percent of the first year's payments, 6 percent of the next 11 years' payments and 8 percent thereafter; in the case of single payment contracts this deduction will be 5 percent if the pay-out period commences immediately and 7 percent if it is deferred.

The application states that Valic is required under the Life Insurance Act to reflect in its accounts, as reserve liabilities, all liabilities to which it is subject arising out of its variable annuity contracts and life and disability insurance contracts. It is further required to maintain admitted assets equal in value to such liabilities as well as the par value of its common stock and surplus. In addition to these legally required reserve liabilities and assets, Valic has undertaken and represented in connection with this application, that it will establish a contingency reserve equal to 25 percent of it liability to variable annuity contract holders during the pay-out period, and to maintain additional admitted assets of like amount in value. Valic has further undertaken and represented in connection with this application to reinsure with other insurance companies all liabilities under life and disability contracts.

Valic has requested exemption from the provisions of the Act and the rules thereunder enumerated below, to the extent that such provisions may be deemed applicable to, and to the extent that said exemptions may be deemed necessary to permit the transactions described below.

Section 17(a)(3) prohibits an affiliated person or principal underwriter of a registered investment company from borrowing any money or other property from such company, except under certain circumstances not here relevant. Valic requests exemption from this provision of the Act to permit it to make advances to its general agents, if they be deemed principal underwriters of Valic or are otherwise affiliated persons of Valic, and to its sales employees.

Valic construes the right of the variable annuity contract holder to redeem accumulation units and continue the contract in effect, as a loan to, and borrowing by, such contract holder. Accordingly it seeks exemption from section 17(a)(3) to permit it to make such loans, pursuant to the terms of the contract, to such contract holders as may be affiliated persons or principal underwriters of Valic.

Rule 17d–1 promulgated pursuant to section 17(d) of the Act prohibits, unless specifically exempted by order thereunder, joint undertakings in the nature of bonus or profit sharing arrangements between a registered investment company and an affiliated person of, or principal underwriter for, such company except under circumstances not here relevant. Valic requests exemption from the provisions of this rule to permit the payment to its sales agents and employees of bonuses or additional compensation based on the volume of Valic's sales of contracts.

Section 17(f) so far as here relevant requires every registered management investment company to place and maintain its securities and investments in the custody of a bank or in its own custody, but in the latter event only in accordance with such rules, regulations or orders as the Commission shall prescribe in the interests of investors. Rule 17f–2 prescribes the conditions under which a registered management investment company shall maintain its securities and investments in its own custody, including their deposit in a bank for safekeeping pursuant to the arrangements therein described. Valic states that it is required under the Life Insurance Act to maintain on deposit with the insurance commissioner or similar official or agency, specified amounts of securities or cash as a condition to the transaction of business in the District of Columbia. It also represents that the laws of other states in which it may transact business in the future, have similar requirements. Valic seeks exemption from the provisions of section 17(f) and Rule 17f–2 to the extent necessary to comply in this respect with the laws of the several states in which it is, or may in the future be, transacting business.

Section 18(f)(1) of the Act prohibits a registered open-end investment company from issuing or selling any senior security except under circumstances not here relevant. A senior security is defined in section 18(f)(2) to include any instrument constituting a security and evidencing indebtedness, and any stock of a class having priority as to distribution of assets over another class of stock. Valic requests exemption from the provisions of section 18(f)(1) to permit the issuance by Valic of its variable annuity contracts to the extent that they may be considered securities evidencing indebtedness of Valic or they may be considered stocks which have priority over Valic's outstanding common stock in the distribution of assets.

Section 18(i) requires, with certain exceptions, that every share of stock issued by a registered management investment company shall be a voting stock and have equal voting rights with every other outstanding voting stock unless issued in accordance with a permissive order. Valic proposes to amend its charter to grant voting rights to the holders of its variable annuity contracts pursuant to a formula which will divide all voting rights in the company between the holders of the variable annuity contracts and the holders of the voting common stock of the company. Valic states that the Life Insurance Act requires in the case of a variable annuity contract issued to a group that the employer is deemed to be the policy holder, and shall be limited to but one vote. Valic requests an order pursuant to section 18(i) to permit it to comply with this provision of the Life Insurance Act in the case of group variable annuity contracts.

Section 22(d) prohibits, with certain exceptions not here relevant, a registered investment company, a principal underwriter for such company or a dealer, from selling any redeemable security issued by such company other than at a current public offering price described in the prospectus. Valic proposes to issue group variable annuity contracts on a negotiated basis varying the sales load and other expense deductions made from the contract holders' payments and accordingly it does not propose to state in its prospectus a public offering price applicable to group variable annuity contracts. Exemption from section 22(d) is requested to the extent necessary to permit the sale of group variable annuity contracts on the proposed basis.

Section 22(e) prohibits, except under circumstances not here relevant, a registered investment company from postponing the date of payment or satisfaction upon redemption of any redeemable security for more than 7 days after the tender of such security to the company for redemption. Valic requests exemption from this provision of the Act to permit it to postpone payment upon all variable annuity contracts tendered for redemption during the pay-in period, for a period of not more than 7 days after the next ensuing monthly valuation date of its accumulation units.

Section 24(d) provides that the exemption contained in section 3(a)(8) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. Section 3(a)(8) of the Securities Act of 1933 exempts from the necessity of registration thereunder any insurance or endowment policy, or any annuity contract issued by a corporation subject to the supervision of the insurance commissioner of any state. Valic requests exemption from the provisions of section 24(d) to the extent necessary to permit the public offering for sale, and sale of the conventional insurance policies or contracts issued by it, either alone or in combination with its variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

Section 27(a) prohibits so far as here relevant the sale of a periodic payment plan certificate issued by a registered investment company if (1) the sales load exceeds 9 per centum of the total payments to be made thereon, and if (2) the sales load deducted from the first twelve

monthly payments or their equivalents, are not proportionately alike or, exceed one-half of such first twelve monthly payments, and if (3) the amount deducted for sales load from subsequent payments are not proportionately alike. Valic states that its variable annuity contracts which are sold pursuant to a periodic payment plan do not provide for a fixed total purchase price or a fixed period of years over which the same shall be paid, but provide for fixed periodic payments from the date of the initial payment until the maturity date which may be designated by the purchaser at any time after attainment of age fifty and before attainment of age seventy. Valic requests exemption from the provisions of section 27(a) to the extent necessary to permit it to deduct the sales load on an assumed twelve year basis, in an amount not to exceed 50 percent of the first twelve monthly payments, or their equivalent, and not to exceed 5 percent of the next succeeding 132 payments or their equivalent.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless, among other things, the proceeds of all payments, other than sales load are deposited with a trustee or custodian and held under an indenture or agreement containing, in substance the provisions required by sections 26(a) (2) and (3). The latter provisions define the character of expenses which the trustee may charge against the fund resulting from such proceeds and exclude from expenses any payments to the depositor or principal underwriter, other than reasonable payments for administrative services delegated to them. These latter provisions also require that the trustee segregate and hold in trust all securities and cash of the fund, and govern the circumstances under which the trustee or custodian may resign. Valic requests exemption from the provisions of section 27(c)(2) so as to permit it to treat all of the proceeds of its variable annuity contracts which are sold on a periodic payment basis as part of its general corporate assets and income and not to create a separate custodianship or trusteeship with respect thereto.

Generally speaking section 7(b) prohibits, with certain exceptions not here relevant, an investment company, unless registered pursuant to the provisions of section 8, from engaging in a transaction by use of means or instrumentalities of interstate commerce or the mails. Section 2(a)(8) defines a company to include a trust, a fund, or any organized group of persons whether or not incorporated. To the extent Valic's proposed method of operation may be construed to create a company separate and apart from Valic, consisting of a trust or fund, created by the payments made by the variable annuity contract holders which are held by Valic for their benefit, exemption is sought for such trust or fund from all the provisions of the Act.

Section 9(a) prohibits any person who is enjoined from engaging in any or continuing any conduct or practice in connection with the purchase or sale of any security, and any company an affiliated person of which has been so enjoined, from acting as an officer, director, principal underwriter, member of an advisory board or investment advisor of a registered investment company. Valic, pursuant to section 9(b) requests exemption from the provisions of section 9(a) to the extent necessary so that any order, judgment or decree entered in Securities and Exchange Commission v. The Variable Annuity Life Insurance Company of America, Inc., Civil Action, File No. 2549–56 shall not have the effect of making it unlawful for any person named in or otherwise subject to such decree, judgment or order (or any company of which such person is an affiliated person) to serve or act in the capacities referred to in section 9(a).

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 9th day of September 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing, The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether, in light of the terms and conditions of the variable annuity contracts, the reserve and other requirements of the Life Insurance Act, the undertakings of Valic with respect to maintenance of a contingency reserve for its variable annuity contracts and reinsurance of its conventional life and disability insurance liabilities, and the nature of the common stockholders, interests in Valic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To exempt Valic from the provisions of section 18(f)(1) to the extent necessary to permit the issuance and sale of variable annuity contracts and conventional life and disability insurance; and

(b) To exempt the general agents of Valic who are principal underwriters or otherwise affiliated persons of Valic and the sales employees of Valic from the provisions of section 17(a)(3) so as to permit them to borrow money or other property from Valic the indebtedness for which shall not be treated as admitted assets of Valic; and

(c) To exempt any affiliated person or promoter of, or principal underwriter for, Valic, and any affiliated person of such a person, from the provisions of section 17(a)(3) to the extent necessary to permit any such person who is the holder of a variable annuity contract to redeem his interest in such contract pursuant to its terms, if such redemption be deemed a borrowing; and

(d) To exempt Valic from the provisions of Rule 17d–1 to the extent necessary to permit the payment by it to its sales agents and employees of bonuses or additional compensation based on the volume of Valic's sales of contracts; and

(e) To exempt Valic from the provisions of section 17(f) and the rules thereunder to the extent necessary to permit it to place securities and cash on deposit with, the insurance commissioner or similar official or agency of any state in which Valic transacts business in an amount necessary under the laws of such state to qualify to do business therein.

(2) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act:

(a) To permit Valic to issue group variable annuity contracts to employers, which contracts entitle the holder to one vote, in light of the provisions of the Life Insurance Act and the nature and character of a group variable annuity contract and the interests of the purchaser or purchasers therein, if such permission be deemed to be necessary; and

(b) To exempt the public sale of group variable annuity contracts from the provisions of section 22(d) of the Act to the extent necessary to permit such public sale on a negotiated basis and without the statement in the prospectus of a uniform public offering price applicable to such group contracts, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Valic is subject and the terms and conditions of such contracts; and

(c) To exempt Valic from the provisions of section 22(e) to the extent necessary to permit it to postpone for not more than seven days after the next ensuing valuation date of its accumulation units, payment or satisfaction of variable annuity contracts tendered to it for redemption, in light of the nature and character of the variable annuity contract; and

(d) To exempt Valic from the provisions of section 27(a) (1), (2) and (3) to the extent necessary to permit the sale of its variable annuity contracts pursuant to a periodic payment plan providing for the deduction for sales load of an amount not in excess of fifty per centum of the first twelve monthly payments, or their equivalent, and not in excess of five per centum of the next succeeding 132 periodic payments, or their equivalent, in light of the terms and conditions of such variable annuity contracts and periodic payment plans.

(3) Whether, in light of the nature and character of the conventional insurance contracts or policies to be issued by Valic, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Valic from the provisions of section 24(d) of the Act to the extent necessary to permit such contracts to be publicly offered for sale and sold, either alone or in combination with variable annuity contracts, as securities exempted from the registration requirements of the Securities Act of 1933.

(4) Whether, in light of the provisions of the Life Insurance Act and the regulation thereunder to which Valic is subject, and the obligations of Valic under the variable annuity contracts, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt Valic from the provisions of section 27(c) (2) to the extent necessary to permit the sale of its variable annuity contracts issued on a periodic payment basis, without a separate custodianship or trusteeship of the proceeds of such periodic payments; and, if so, whether the deductions made from such periodic payments, other than for sales load, are reasonable in light of all the circumstances.

(5) Whether, in light of all the circumstances, including the registration of Valic as an investment company and the registration of its variable annuity contracts under the Securities Act of 1933, it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, to exempt from all the provisions thereof the trust or fund which may be construed to result from Valic's proposed method of operations.

(6) Whether, in light of all the circumstances, it is not against the public interest or the protection of investors, to exempt from the prohibitions of section 9(a), any person who might be deemed to be included therein, by virtue of an order, judgment or decree entered in the matter of Securities and Exchange Commission v. The Variable Annuity Life Insurance Company of America, Inc., Civil Action, File No. 2549-56.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to The Variable Annuity Life Insurance Company of America and the insurance commissioner, or similar official or agency of the several states in which Valic is licensed to sell its variable annuity contracts, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-7112; Filed, Aug. 26, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 3]

LEHIGH VALLEY RAILROAD CO.

Application for Loan Guaranties

AUGUST 21, 1959.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 20760, filed August 10, 1959, by Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $6,000,000. Applicant's representative: Jose R. deCapriles, Vice President and General Counsel, Lehigh Valley Railroad Company, 143 Liberty Street, New York 6, New York. Loan is for the following purposes: Reimbursement of applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements $3,000,000; refinancing of unpaid balance not to exceed $2,200,000 of cost of acquisition of 110 freight train cars, 125 TOTC trailers and 2 steel scows, rehabilitation of 196 gondola cars and conversion of 2 locomotives financed after January 1, 1957; and for completion of additions and betterments in progress $800,000.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7108; Filed, Aug. 26, 1959; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35633: *Substituted service—M. & St. L. Ry., for Bay and Bay Transfer Co., Inc.* Filed by Associated Motor Carriers Tariff Bureau, Agent (No. 9) for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Mason City, Iowa, on the one hand, and Minneapolis, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to Associated Motor Carriers Tariff Bureau tariff I.C.C. No. A-83.

FSA No. 35634: *Substituted service—I.C. for Silver Fleet Motor Express, Inc., etc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 4), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Birmingham, Ala., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 206.

FSA No. 35635: *Barite from Arkansas and Missouri points to Jay, La.* Filed by Southwestern Freight Bureau, Agent (No. B-7621), for interested rail carriers. Rates on Barite (Barytes), in carloads from specified points in Arkansas and Missouri to Jay, La.

Grounds for relief: Market competition.

Tariff: Supplement 19 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 35636: *Substituted service—N.Y., N.H. & H. Railroad.* Filed jointly by The New York, New Haven and Hartford Railroad Company, and Midwest Haulers, Inc., for themselves and other interested carriers (No. 215). Rates on property loaded in highway semi-trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston and Springfield, Mass., and New Haven, Conn., on the other, on traffic originating at or destined to points on motor carriers beyond the named rail substitution points.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-7107; Filed, Aug. 26, 1959; 8:47 a.m.]

[Notice 177]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62460. By order of August 21, 1959, the Transfer Board approved the transfer to Robertson Motor Freight, Inc., Jeannette, Pennsylvania, of the operating rights in Certificate No. MC 110243, issued May 19, 1950, to John V. Robertson, Jeannette, Pennsylvania, authorizing the transportation, over irregular routes, of general commodities, excluding household goods and other specified commodities, between Pittsburgh, Pa., on the one hand, and, on the other, points in a described portion of Westmoreland and Indiana Counties, Pa. Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59–7109; Filed, Aug. 26, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.